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**TITLE 6—AGRICULTURAL CREDIT**

**Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture**

**Subchapter B—Loans, Purchases, and Other Operations**

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

**PART 421—GRAINS AND RELATED COMMODITIES**

**SUBPART—1955-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM**

**MISCELLANEOUS AMENDMENTS**

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3595 and containing the specific requirements for the 1955-crop rye price support program are amended by changing three sections to provide price support for rye grading No. 4 on the basis of test weight but otherwise grading No. 2 or better and provides for a discount of 4 cents per bushel for each pound by which the test weight falls below 52 pounds.

1. Section 421.1378 (c) is amended to make rye grading No. 4 eligible for price support so that the amended paragraph reads as follows:

§ 421.1378 *Eligible rye.* \* \* \*

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 or No. 4 on the factor of "test weight" only, but otherwise grading No. 2 or better.

2. Section 421.1380 (c) is amended to provide for the determination of quantity for rye grading No. 4 so that the amended paragraph reads as follows:

§ 421.1380 *Determination of quantity.* \* \* \*

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	Percent
56 pounds or over.....	100
55 pounds or over, but less than 56 pounds.....	98
54 pounds or over, but less than 55 pounds.....	96

For rye testing—Continued	Percent
53 pounds or over, but less than 54 pounds.....	95
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3. Section 421.1383 is amended to provide for a discount for rye having a test weight below 52 pounds by the addition of paragraph (e) as follows:

§ 421.1383 *Support rates.* \* \* \*  
(e) *Discount for test weight.* For rye grading No. 4 on the factor of test weight only, but otherwise grading No. 2 or better, the discounts from the support rate for No. 2 rye, in addition to any other applicable discounts, shall be as follows:

Test weight per bushel (pounds)	Discount per bushel (cents)
51 or over, but less than 52.....	4
50 or over, but less than 51.....	8
49 or over, but less than 50.....	12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 12th day of September 1955.

[SEAL] WALTER C. BERGER,  
*Acting Executive Vice President,*  
*Commodity Credit Corporation.*

[F. R. Doc. 55-7522; Filed, Sept. 15, 1955; 8:51 a. m.]

**TITLE 7—AGRICULTURE**

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**

[Tokay Grape Order 2]

**PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA**

**LIMITATION OF SHIPMENTS**

§ 951.320 *Tokay Grape Order 2—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951)

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# FEDERAL REGISTER

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Title 32: Parts 400-699 (\$5.75)  
Parts 800-1099 (\$5.00)  
Part 1100 to end (\$4.50)  
Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) (\$2.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32: Parts 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such grapes that may be handled during specified allotment periods, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 19, 1955. A reasonable determination as to the supply of, and the demand for, Tokay grapes and the quantities of such grapes likely to be shipped during the current season from vineyards of specified age groups must await development of the crop; the information upon which the recommendations of the Industry Committee are based was not available to said Committee until September 8, 1955; recommendations as to the need for, and the extent of, limitation of the volume of shipments of such grapes were made at the meeting of said Committee on September 8, 1955, at which time the recommendations and supporting information were transmitted to the Department; shipments of the current crop of such grapes are already underway and are subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.319-20 F. R. 6244) in order to effectuate the declared policy of the act, the quantity of such grapes to be handled each allotment period during the period September 19-October 12, 1955, should not exceed the equivalent of 414,375 standard packages; it is expected that the volume of shipments of Tokay grapes will exceed such quantity during each such allotment period unless the quantity of such grapes that may be handled is limited; the establishment of the quantities of grapes likely to be shipped is necessary to the operation of the limitation of shipment regulation; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., September 19, 1955, and ending at 12:01 a. m., P. s. t., October 13, 1955;

(i) The shipments of grapes shall be limited in accordance with the provisions of §§ 951.60 through 951.72 of the said amended marketing agreement and said amended order; and

(ii) The total quantity of grapes to be shipped during the allotment period beginning on September 19, 1955, and each allotment period thereafter, is hereby fixed at 414,375 standard packages or the equivalent quantity thereof.

(2) Industry Committee, in accordance with the provisions of paragraph (a) of § 951.65 of the said amended marketing agreement and order, has established the quantities of grapes likely to be shipped during the current season from mature vineyards and from vineyards from nine years to one year of age, respectively, as follows:

(i) Mature vineyards (ten years of age or older) 250 standard packages;

(ii) Vineyards nine years of age, 225 standard packages;

(iii) Vineyards eight years of age, 200 standard packages;

(iv) Vineyards seven years of age, 175 standard packages;

(v) Vineyards six years of age, 150 standard packages;

(vi) Vineyards five years of age, 125 standard packages;

(vii) Vineyards four years of age, 100 standard packages;

(viii) Vineyards three years of age; 50 standard packages;

(ix) Vineyards less than three years of age, zero.

(3) As used in this section, the terms "shipments," "shipped," "handled," "grapes," "allotment period," and "season" shall have the same meaning as when used in said amended marketing agreement and order; and the term "standard packages" shall have the same meaning set forth therefor in § 951.103 of the Industry Committee regulations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1955.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 55-7518; Filed, Sept. 15, 1955;  
8:50 a. m.]

#### PART 970—IRISH POTATOES GROWN IN MAINE

##### LIMITATION OF SHIPMENTS

##### § 970.302 *Limitation of shipments—*

(a) *Findings.* (1) Notice of rule making regarding proposed limitation of shipments, to be made effective under Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970) regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER September 2, 1955 (20 F. R. 6500). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in the

aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances, for such preparation, and (v) notice has been given of the proposed limitation of shipments by publication thereof in the FEDERAL REGISTER of September 2, 1955 (20 F. R. 6500).

(b) *Order* (1) During the period from September 19, 1955, to June 30, 1956, both dates inclusive, and except as otherwise provided in this section, no handler shall ship potatoes of any variety unless at least 90 percent of such potatoes are "fairly clean" and (i) if they are of the round white varieties or of the red skin varieties such potatoes meet the requirements of the U. S. No. 1, or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (ii) if they are of the long varieties (including, but not being limited to, the Russet Burbank variety) such potatoes meet the requirements of the U. S. No. 2, or better grade, Size A, 5 ounces minimum weight.

(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter and 4 inches maximum diameter: *Provided*, That each handler making any such shipments for chipping shall file an application for, and obtain, a Certificate of Privilege pursuant to §§ 970.56 and 970.130 and, at the same time, or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade requirements set forth in this subparagraph.

(3) No handler shall ship potatoes (i) for dehydration unless the potatoes meet the requirements of the U. S. No. 2 grade, or (ii) for export unless such potatoes meet the requirements of the U. S. No. 1 grade.

(4) Pursuant to § 970.54, each handler may ship not in excess of fifteen (15) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65.

(5) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) For grading or storing in the production area, (ii) for distribution by the Federal Government; (iii) for charitable purposes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; or (vii) for planting within the production area.

(6) Each handler making shipments of potatoes for export, charitable purposes, dehydration, potato chipping, canning or freezing, or livestock feed shall: (i) File an application pursuant to § 970.56 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, distribution by the Federal Government, charitable purposes, or dehydration. Further, each handler who ships potatoes for export, potato chipping, distribution by the Federal Government, charitable purposes, dehydration, freezing, or livestock feed, shall furnish a record of such shipments to the administrative committee, and, in the case of shipments for potato chipping or dehydration, the handler shall also furnish a copy of the bill of lading for the respective shipment. In addition, each application for a Certificate of Privilege to ship potatoes for export, potato chipping, charitable purposes, dehydration, or canning or freezing shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, or for livestock feed when shipped in barrels or in bulk within the production area.

(7) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 to 970.75, inclusive, and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 100 pound packs.

(8) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the

certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(9) The grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title) including the tolerances set forth therein, and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of September 1955, to become effective September 19, 1955.

[SEAL] S. R. SMITH,  
Director  
*Fruit and Vegetable Division.*

[F. R. Doc. 55-7509; Filed, Sept. 15, 1955;  
8:49 a. m.]

#### PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

##### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act" and of the order, as amended (7 CFR Part 996) regulating the handling of milk in the Springfield, Massachusetts, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

(a) The provisions of § 996.65 (a) will not tend to effectuate the declared policy of the act for the period August 20 through August 27, 1955. During the recent hurricane, very severe floods created conditions of havoc which were not, and could not have been anticipated on August 5, 1952 at which time the Acting Secretary denied a proposal for a provision in the Springfield order to permit the market administrator to declare an emergency whenever the supply of producer milk was inadequate for Class I needs at which time and for such period payments on outside milk would have been terminated. Under usual conditions, Springfield handlers can obtain their entire supplemental milk from regulated sources, either in the Boston or secondary order markets. The unprecedented catastrophe, an extreme act of God, which was local in character, obviated any possibility of certain handlers, who normally depend on other handlers for regular supplies, obtaining pool milk to supply their fluid requirements. Quick action was necessary to assure an adequate supply of safe milk for the stricken area and these handlers were forced to look to unregulated sources for a temporary supply. The application of the compensatory payment provision on outside milk in this case would be unreasonable, and would not

tend to create equity among handlers in the cost of milk. It is therefore found necessary to issue retroactively and to make effective for the period August 20 through August 27, 1955, this suspension order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order would relieve certain handlers of the necessity for making compensatory payments on outside milk brought into the market during conditions of extreme havoc.

3. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective retroactively for the period August 20-27, 1955.

It is therefore ordered, That the provisions of § 996.65 (a) be and they are hereby suspended with respect to all receipts of outside milk by handlers during the period August 20 through August 27, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of September 1955, to be effective for the period August 20 through 27, 1955.

[SEAL] EARL L. BUTZ,  
Acting Secretary.

[F. R. Doc. 55-7521; Filed, Sept. 15, 1955;  
8:51 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter B—Hunting and Possession of Wildlife

#### PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

##### OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

**Basis and purpose.** On July 20, 1955, amendments to Part 6, Title 50, Code of Federal Regulations, were adopted to prescribe daily bag and possession limits for rails, gallinules, woodcock, mourning (turtle) and white-winged doves, and to fix season lengths and the earliest opening and latest closing dates within which the several State Game Departments might make selections of their 1955-56 seasons for hunting these birds. These amendments were adopted pursuant to authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), and were published in the FEDERAL REGISTER on July 26, 1955 (20 F. R. 5326)

In reporting its selections of hunting dates on the species of migratory game birds referred to, the Board of Game and Fish Commissioners of the State of Delaware indicated that a season on



mourning (turtle) doves extending from September 30 to November 3, inclusive, was desired and that the shooting hours for such birds during that period should be fixed at 12:00 o'clock noon until sunset. The choice of hunting dates, as so reported, was incorporated as a part of the additional amendments to these regulations issued on August 12, 1955, and published in the FEDERAL REGISTER on August 20, 1955 (20 F. R. 6098). The Delaware Board has since informed this Department that a typographical error was made in reporting the choice of hunting dates for mourning (turtle) doves for that State and that it was intended to indicate September 20 as the opening date rather than September 30 as inadvertently reported.

In compliance with the request of the Delaware Board of Game and Fish Commissioners that its error in reporting its choice of hunting dates for mourning (turtle) doves be corrected, and to afford the hunters of that State an opportunity to hunt these birds during the full period permissible under the regulation proposals issued on July 20, 1955, the schedule designated as subparagraph (4a) *Mourning (turtle) doves* of § 6.4 (e) Title 50, Code of Federal Regulations, as the same appears in 20 F. R. 6099, is amended by deleting the date "Sept. 30" opposite the word "Delaware" and substituting in lieu thereof the date "Sept. 20"

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Since this amendment relieves restrictions on the hunting of mourning (turtle) doves in the State of Delaware, notice and public procedure are unnecessary and the said amendment shall become effective immediately (5 U. S. C. 1003 (c)).

Issued at Washington, D. C., and dated September 12, 1955.

DOUGLAS MCKAY,  
Secretary of the Interior

[F. R. Doc. 55-7494; Filed, Sept. 15, 1955; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission [Docket 6342]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS SUN VACUUM CLEANER CO.

Subpart—*Advertising falsely or misleadingly*: § 13.70 *Fictitious or misleading guarantees*; § 13.200 *Sample, offer or order conformance*; § 13.235 *Source or origin. Maker or Seller, etc.*; § 13.250 *Success, use or standing*. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1735 *Sample, offer or order conformance*; § 13.1745 *Source or origin. Maker or Seller, etc.*; § 13.1755 *Success, use or standing*. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal*: § 13.1930 *Guarantee, in general*; § 13.2060 *Sample, offer or order conformance*. In connection with the offering for sale, sale, or

distribution of vacuum cleaners or other merchandise in commerce: (1) Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (2) representing, directly or by implication, that any merchandise being offered for sale is of a well-known make when such is not the case; and (3) representing, directly or indirectly, that any merchandise is guaranteed to an extent greater than is the fact; or using in advertising or sales literature the word "Guarantee", unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harold Schiff et al. d. b. a. Sun Vacuum Cleaner Company, Washington, D. C., and Baltimore, Md., Docket 6342, August 19, 1955]

#### *In the Matter of Harold Schiff and Max Schiff, Copartners Trading and Doing Business as Sun Vacuum Cleaner Company*

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, which charged respondents with violating the Federal Trade Commission Act through making false, deceptive, and misleading statements and representations regarding their vacuum cleaners, to induce the purchase thereof by the public; and upon a Stipulation for Consent Order which was entered into by respondents with counsel supporting the complaint, prior to the date for filing answer, and which was thereafter approved by the Director, Bureau of Litigation of the Commission, and transmitted to the hearing examiner for consideration.

Said stipulation provided, among other things, that respondents admitted all the jurisdictional allegations set forth in the complaint and that the record in the matter might be taken as if findings of jurisdictional facts had been made in accordance with such allegations; that the stipulation, together with the complaint, should constitute the entire record in the matter; that the complaint might be used in construing the order agreed upon, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission; that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint; and that the order provided for in the stipulation and to be included in the decision should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon.

All parties waived the filing of answer, hearings before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which

respondents might be entitled under the Federal Trade Commission Act or the Rules of the Commission, including any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; that the order agreed upon conformed to the order contained in the "Notice" accompanying the complaint, and disposed of all the issues raised in the complaint; accordingly accepted said Stipulation for Consent Order; and found the proceeding to be in the public interest; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 22, 1955, became, on August 19, 1955, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered*, That respondents Harold Schiff and Max Schiff, copartners, trading and doing business as Sun Vacuum Cleaner Company, or trading and doing business under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vacuum cleaners or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. Representing, directly or by implication, that any merchandise being offered for sale is of a well-known make when such is not the case;

3. Representing, directly or indirectly, that any merchandise is guaranteed to an extent greater than is the fact; or using in advertising or sales literature the word "Guarantee," unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By said "Decision of the Commission" etc., report of compliance was required as follows:

*It is ordered*, That respondents Harold Schiff and Max Schiff, copartners trading and doing business as Sun Vacuum Cleaner Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1955.

By the Commission.

[SEAL]

JOHN R. HELL,  
Acting Secretary.

[F. R. Doc. 55-7493; Filed, Sept. 15, 1955; 8:47 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

##### REVISION OF PART

In the matter of revision of Part 7 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 7 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

*It is ordered*, This 18th day of July 1955, that effective August 1, 1955, Part 7—Stations on Land in the Maritime Services, is revised to include the editorial changes herein and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

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AUTHORITY: §§ 7.1 to 7.601 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 7.1 *Basis and purpose.* (a) *The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications, to regulate radio transmissions and to issue licenses for radio stations.*

(b) *The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land. For the purpose of this part, the definitions in Subpart A shall be applicable. (For other definitions, refer to Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Part 8, Stations on Shipboard in the Maritime Services; and Part 14, Rules Governing Public Fixed Stations and Stations of the Maritime Services in Alaska.)*

#### SUBPART A—DEFINITION OF TERMS

§ 7.2 *General.*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.

(b) *Statutes and international agreements.* (1) *Communications Act:* The Communications Act of 1934, as amended.

(2) *International Radio Regulations:* The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(c) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a radio communications service.

(g) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(i) *Permittee.* A person who holds a valid station construction permit.

(j) *Station licensee.* A person who holds a valid station license or special temporary authorization.

(k) *Operator licensee.* A person who holds a valid license or valid permit for the actual operation of a licensed station.

(l) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(m) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(n) *Landing area.* Any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(o) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and specific area of inspection associated therewith are designated by § 7.601.

(p) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(q) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(r) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station or vehicle to which the pertinent rule or regulation involving the use of this term is applied.

(s) *Shipyard land mobile unit.* A land vehicle operated and controlled by a shipyard and used for the transportation of shipyard personnel, material, or supplies.

§ 7.3 *Maritime mobile service.*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime and land mobile service.*—(1) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations. (Aircraft stations, when transmitting on frequencies allocated to the maritime

mobile service, may communicate in this service with ship stations and coast stations.)

(2) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations. (Only land mobile service carried on exclusively for maritime purposes is governed by this part.)

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion.

(e) *Coast station.* A land station in the maritime mobile service carrying on a service with ship stations.

(f) *Public coast station.* A coast station open to public correspondence.

(g) *Limited coast station.* A coast station, not open to public correspondence, which serves the operational and business needs of ships.

(h) *Class I coast station.* A coast station (public or limited) licensed to provide a maritime mobile service to ships at sea, including such service over distances up to several thousand miles, whose frequency assignment for this purpose includes appropriate frequencies below 150 kc or between 5,000 kc and 25,000 kc.

(i) *Class II coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a regional character, whose frequency assignment does not include any frequency below 150 kc, or between 5,000 kc and 25,000 kc except on a secondary basis under specified conditions intended to minimize the possibility of interference to other stations having priority on these frequencies.

(j) *Class III coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local character, whose frequency assignment does not include any frequency below 25,000 kc.

(k) *Operational designator.* The letter "A", "B", or "F" appended to the term "class I", "class II", or "class III" as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile. Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I-A, Public III-B, Limited II-A, Limited III-BF, Public II-AB, etc.

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(n) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast

stations and marine-utility ship stations and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (l) and (m) of this section, at the time it is being operated.

(o) *Base station.* A land station in the land mobile service.

(p) *Shipyard base station.* A land station, licensed and operated primarily as a limited coast station in the maritime mobile service, which is authorized additionally to be operated on a secondary basis as a base station for communication with shipyard mobile stations of the same licensee within a local geographic area designated by the Commission.

(q) *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(r) *Shipyard mobile station.* A land mobile station on a shipyard land mobile unit used for communication solely with one or more shipyard base stations of the same licensee within a local geographic area designated by the Commission.

§ 7.4 *Maritime radiolocation service—(a) Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radiolocation.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation land station.* A station in the radiolocation service not intended for operation while in motion.

(f) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(g) *Shore radiolocation-training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiolocation.

(h) *Shore radiolocation-test station.* A shore radiolocation station used solely for testing maritime radiolocation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(i) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(j) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(k) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(l) *Radionavigation station.* A station in the radionavigation service.

(m) *Radionavigation land station.* A station in the radionavigation service not intended for operation while in motion.

(n) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(o) *Radar.* A radiolocation system where transmission and reception are

carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their position.

(p) *Primary radar.* Radar using reflection only.

(q) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(r) *Shore-radar station.* A shore radionavigation station utilizing radar for the purpose of detecting above-water objects (primarily ships) with a determination of their direction and distance from the station.

(s) *Radio-direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emission.

(t) *Radio direction-finding station.* A radio location station intended to determine only the direction of other stations by means of transmissions from the latter.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 7.5 *Maritime fixed services—(a) Fixed service.* A service of radiocommunication between specified fixed points.

(b) *Fixed station.* A station in the fixed service.

(c) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(d) *Marine fixed station.* A fixed station, used primarily for safety communication which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(e) *Marine control station.* An operational fixed station used to control the emissions or operation of a coast station at a separate location.

(f) *Marine repeater station.* An operational fixed station used to retransmit, to a point of destination or to a message routing center, radiocommunications received at a coast station from ship or aircraft stations in the maritime mobile service.

(g) *Marine relay station.* An operational fixed station used for communication between coast stations or between a coast station and an associated remote control point, which is intended to expedite the movement of message traffic to or from mobile stations in the maritime mobile service.

(h) *Marine receiver-test station.* A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

§ 7.6 *Developmental maritime stations on land—(a) Developmental land station.* A land station operated for the

express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental land station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiolocation service (including maritime radionavigation service) and the maritime fixed services, are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)" for example: "Public class III coast station (developmental)"

§ 7.7 *Operational—(a) Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary to the conduct of the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

(d) *Distress signal.* (1) The distress signal is the international radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots" transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "Mayday", pronounced as the French expression

"m'aider" In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "Pan" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of the French word "Securite" sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver:

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(m) *Control point.* An operating position associated with a particular station or stations which is:

(1) Under the control and supervision of the station licensee or his authorized agent; and

(2) A place at which the required monitoring and control facilities are available; and

(3) A place at which a duly licensed operator (or other person if the requirement for a licensed operator is waived by the Commission) responsible for the operation of the transmitter(s) is stationed.

(n) *Dispatch point.* A place from which radiocommunication may be transmitted under supervision of a responsible operator at a control point.

§ 7.8 *Technical—(a) Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Selective-calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(j) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(k) *Carrier frequency.* The frequency of the carrier. (For the definition of "carrier", see § 2.1 of this chapter.)

(l) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(m) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-



bandwidth) is permitted, by applicable regulations or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency)

(n) *Frequency-band*. A continuous range of frequencies extending between two designated limiting frequencies.

(o) *Bandwidth*. The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(p) *Radio-channel*. A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(q) *Emission-bandwidth*. The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power. (This definition coincides with the definition of "Bandwidth Occupied by an Emission" which appears as par. 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signaling.)

(r) *Interference guard bands*. The two frequency-bands additional to and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(s) *Authorized emission-bandwidth*. A specific emission-bandwidth authorized for use by a station.

(t) *Authorized frequency-band*. A frequency-band authorized for use by a station.

(u) *Assigned frequency*. The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission. (This definition coincides with the definition of "Frequency Assigned to a Station" which appears as par. 57 of the International Radio Regulations of Atlantic City, 1947.)

(v) *Frequency assignment*. The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist) or

(3) The authorized frequency-band (when a carrier does not exist)

(w) *Modulation*. The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(x) *Modulation factor* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing

to the frequency swing defined as 100 per cent modulation.

(y) *Percentage modulation*. The modulation factor expressed in percent.

(z) *Amplitude modulation (AM)*. Modulation in which the amplitude of a wave is the characteristic subject to variation.

(aa) *Frequency modulation (FM)*. Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(bb) *Frequency deviation*. In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(cc) *Frequency swing*. In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(dd) *Deviation ratio*. In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(ee) *Antenna (aerial)*. A means for radiating or intercepting Hertzian waves.

(ff) *Artificial antenna (dummy antenna)*. A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(gg) *Last radio stage*. In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(hh) *Plate (anode) input power*. The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(ii) *Antenna power*. The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(jj) *Radiated power*. Energy, in the form of Hertzian waves, radiated from an antenna.

(kk) *Authorized transmitter-power*. The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna; without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(ll) *Telephone receivers*. Whenever use of the following terms occurs in reference to "watch" as defined in § 7.7 (j), such use of these terms shall be construed as follows:

(1) *Telephone receiver*. Any instrument used to convert energy consisting

of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver*. A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver*. A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker*. A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

#### SUBPART B—APPLICATIONS<sup>1</sup>

§ 7.21 *Authorization required for construction and operation of station*. (a) Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station subject to this part, unless a permit for construction has first been granted by the Commission upon written application therefor.

§ 7.22 *Administrative classification of stations*. (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station as designated below:

- (1) Public class I coast stations.
- (2) Public class II coast stations.
- (3) Public class III coast stations.
- (4) Limited class I coast stations.
- (5) Limited class II coast stations.
- (6) Limited class III coast stations.
- (7) Marine-utility stations.

(b) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station as designated below:

- (1) Shore radiolocation stations.
- (2) Shore radiolocation-training stations.
- (3) Shore radiolocation-test stations.

(c) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station as designated below:

<sup>1</sup>For additional information concerning applications and for information concerning procedure relative to hearings, oral arguments, petitions, etc., refer to Part 1 of this chapter.



- (1) Shore radionavigation stations.
- (2) Shore-radar stations.

(d) Stations in the fixed service subject to this part are licensed according to the class of station as designated below:

- (1) Marine fixed stations.
- (2) Marine control stations.
- (3) Marine repeater stations.
- (4) Marine relay stations.
- (5) Marine receiver-test stations.

(e) Stations in the land mobile service subject to this part are licensed according to the class of station designated below:

- (1) Shipyard base stations.
- (2) Shipyard mobile stations.

Station licenses shall not be issued solely to authorize the use and operation of shipyard base stations and shipyard mobile stations. License authority to use and operate such stations shall be included in the station license which provides for use and operation of the land station facilities primarily as a limited coast station in the maritime mobile service.

§ 7.23 *Statutory eligibility for station license.* A station license shall not be granted to or held by:

- (a) Any alien or the representative of any alien;
- (b) Any foreign government or the representative thereof;
- (c) Any corporation organized under the laws of any foreign government;
- (d) Any corporation of which any officer or director is an alien;
- (e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;
- (f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or
- (g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 7.24 *Application precedent to authorization.* Except as otherwise provided in §§ 7.26 and 7.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form first is filed with the Commission. Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any

of its engineering field offices. Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part. Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Secretary of the Commission at Washington 25, D. C. Except as otherwise provided in §§ 7.32 and 7.41, an application should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date. The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

§ 7.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If application is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why the application is not made by the applicant. Applications filed on behalf of eligible governmental entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. When more than one copy of an application is required to be filed with the Commission, only the original need be signed or verified; copies may be conformed.

§ 7.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and, except as provided in § 7.41, the original copy shall be subscribed and verified as provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.27 *Defective applications.* (a) An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be re-

turned to the applicant with a brief statement as to the defect.

(b) An application which is not made in accordance with the Commission's rules, regulations, or other requirements, will be considered defective unless accompanied either (1) by a petition to amend the rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

#### § 7.28 *Amendments of applications.*

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 7.29 *Dismissal of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such

petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

**§ 7.30 Partial grant of application.** Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary set the application for hearing in the same manner as other applications are set for hearing.

**§ 7.31 Establishment of station.** (a) Application for permit to construct a station subject to this part shall be submitted on FCC Form 401. When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401A (revised) "Description of Proposed Antenna Structure" shall be submitted in quadruplicate with duplicate set of FCC Form 401 in each instance when:

- (1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level; or
- (2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A need be filed.

**NOTE:** The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

(c) There shall be attached to each copy of FCC Form 401A (revised) a sketch showing the antenna structures and a map showing the location of the antenna structure, landing areas in the vicinity thereof, and all structures that may affect the marking of the antenna structures.

(d) The location of the control point shall be specified in the application for construction permit. The location of

the control point may be the same as that of the transmitting equipment or it may be a separate location. More than one control point for the same transmitting equipment is permissible if specified in the application and authorized by the Commission.

(e) Each application for construction permit shall include such supplementary information as is prescribed in other applicable sections of this part, with respect to the particular class of station for which a station authorization is requested.

**§ 7.32 Changes prior to completion of station.** (a) When, during the term of a construction permit, any change is to be made in respect to the station which would result in a deviation from the terms of the permit, application for modification of such permit shall be filed on FCC Form 401.

(b) FCC Form 401A (revised) in quadruplicate, shall be submitted with FCC Form 401 in duplicate, whenever any change is to be made in the antenna structures if such structures, as the result of such change, will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed; or whenever the over-all height of the antenna structures, as a result of such change, will exceed 170 feet above ground level; or whenever the antenna structure already is required to be painted or lighted in accordance with Part 17 of this chapter. In such cases, there shall be attached to Form 401A (revised) a sketch and a map as prescribed in § 7.31 (c).

(c) FCC Form 701 shall be used whenever it is necessary to request an extension of the time limit specified on a valid construction permit. Such application shall be filed at least 30 days prior to the expiration date of the permit if the facts supporting such application for extension are known to the applicant in time to allow such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of the reason for filing within less than 30 days prior to the expiration date. Such application shall contain specific and detailed information showing that failure to complete construction within the authorized period is the result of causes beyond the control of the permittee, or that the applicant has been diligent in his efforts to complete the construction of the proposed station.

**§ 7.33 Application concerning marine-utility stations.** (a) A permit for construction of a marine-utility station is not required when such station is to be used and operated solely on board mobile vessels. In such circumstances, the marine-utility station is subject to the provisions of Part 8 of this chapter

and application for station license may be filed in accordance with the applicable sections of that part.

(b) Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of this part and an application for construction permit to establish such station shall be filed with the Commission.

**§ 7.34 Temporary and permanent station locations.** (a) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary. An application for construction permit relative to such station shall specify the station location as temporary and shall designate each temporary location at which the station is to be used and operated or shall specify the general geographic area within which the use and operation of the station will be confined.

**NOTE:** A general area may be designated in terms of a specific city, county, state, region, etc., or more than one of these designations may be specified. See also §§ 7.70 and 7.71.

(b) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and shall be designated accurately in the application for construction permit.

**§ 7.35 Application for station license.** Upon completion of construction in accordance with the terms of the construction permit (as modified if a modified permit has been issued) an application for station license shall be submitted on FCC Form 403.

**§ 7.36 Changes during license term.** (a) When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license, an application for construction permit or modification of license, as the case may require, shall be filed as prescribed in paragraphs (b), (c), and (d) of this section.

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in § 7.32 (b), shall be requested by filing an appropriate application for construction permit on FCC Form 401. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of the necessary application. Upon completion of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction per-

mit, an appropriate application for modification of station license shall be submitted on FCC Form 403.

(c) Authority for any change in the use and operation of the station, other than physical changes of the nature prescribed in paragraph (b) of this section, shall be requested by filing an appropriate application on FCC form 403 for modification of station license.

NOTE: See § 7.42 if assignment of the license or a change in corporate control of the licensee is involved.

(d) In accordance with § 7.24, an application for modification of a station license shall be submitted not less than 60 days prior to the date contemplated for such modification of license in order that action thereon may be taken by that date.

§ 7.37 *Renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405-A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 7.38 [Reserved.]

§ 7.39 *Applications filed concurrently.* (a) Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(1) Application for modification of station license and for renewal of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(2) Application for construction permit and for station license or related modification of license where the complete transmitter(s) is (are) available for immediate use and operation, including all accessory apparatus required for the service to be rendered, and where no construction is involved: *Provided*, The associated antenna structures are available for immediate use and do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(3) Application for modification of construction permit and for station license: *Provided*, Such application for modification of construction permit does not request authority for any additional construction, extension of time in which to complete construction, or change in construction of the station (including

the height of the antenna or supporting structures) *And further provided*, That the complete transmitter(s) and all accessory apparatus required for the service to be rendered are available for immediate use and operation in accordance with the terms of the modified permit desired.

(4) Application for modification of station license and for consent to voluntary assignment or transfer of control of station license.

(5) Application for renewal of station license and for consent to voluntary assignment or transfer of control of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(b) Applications of different category in respect to the same land station used, or to be used, primarily as a limited coast station in the maritime mobile service and secondarily as a shipyard base station (with associated shipyard mobile stations) in the land mobile service may be filed concurrently by the same applicant in the same manner as is prescribed in paragraph (a) of this section concerning applications in respect to the same station and radio service.

§ 7.40 *One application for plurality of stations.* (a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section: *And provided*, The individual stations covered by each application are clearly identified therein:

(1) Applications for construction permits and for station licenses for marine-utility stations to be used and operated in the same geographic area;

(2) Application for modification of construction permits for marine-utility stations to be used and operated in the same geographic area when the modification requested is the same for all stations covered by the application;

(3) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(4) Application for consent to assignment or control of station authorizations.

(5) Application for construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s)

(6) Application for modification of construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s), when the modification requested is the same for all stations covered by the application.

(b) The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the existing or requested station authorizations involved at the time the application is filed:

(1) Applicant;

(2) Nature of service(s) and class(es) of station(s),

(3) Legal control of the station(s),

(4) Expiration date of the station authorization when application is made for modification or renewal thereof.

§ 7.41 *Application for special temporary authority for installation and operation of transmitting apparatus.* (a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed three months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiolocation service (provided the proposed operation is not in conflict with the rules and regulations of the Commission) with a station classification in accordance with §§ 7.6 or 7.22, under the following conditions:

(1) In cases which require the immediate use of existing and available radio transmitting apparatus not already authorized for the desired operation: *Provided*, The associated antenna structures (if not covered by an existing station authorization) do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed;

(2) In cases where an urgent need is shown for operation of an authorized station (without the addition of more radio transmitting apparatus or increase in height of antenna structures) for a limited time only, in a manner or for a period of time other than that specified in the existing station authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, authority shall be requested for the developmental operation only, and those sections of this part applicable to developmental stations shall govern the nature of the application.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in the applicable section(s) of this part. When necessary, however, such applications may be filed as an informal application as prescribed in § 7.26. The form(s) to be used and the procedure in filing shall be governed by the provisions of this part applicable to the type of document (construction permit, license, modification thereof, etc.) which would be requested normally in a particular case in lieu of special temporary authority.

(c) An application for special temporary authority shall be filed in written form not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet this time limitation is included with the application form.

(d) Each application for special temporary authority shall contain the following information:

(1) Name and address of applicant;  
 (2) Official call letters of any valid station authorization already held by applicant, and the station location;

(3) Relation of applicant to the owner of any transmitting equipment for which initial authority is requested;

(4) Class of station and nature of service;

(5) Station(s) or class of station with which communication will be carried on;

(6) Carrier frequency or frequencies, class of emission, and emission-bandwidth to be employed, if these elements are involved.

(7) Equipment to be used, specifying the manufacturer, model number, the normal plate input power to the last radio stage, and frequency tolerance that can be maintained if these elements are involved;

(8) The date(s) and time(s) of the proposed operation;

(9) Complete particulars concerning purpose, nature, and location of proposed operation;

(10) Explanation of the need for special temporary authority in lieu of normal type of authorization.

(e) Each application for special temporary authority submitted by an applicant who does not hold a valid station authorization issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (c) of this section, contain such factual statements as may be necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

**§ 7.42 Application for consent to assignment or transfer of control of construction permit or station license—(a) Voluntary.** Application for consent to voluntary assignment of a construction permit or license covering a station subject to this part, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License" or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License" as the case may require, at least 60 days prior to the contemplated effective date of assignment of transfer of control.

(b) **Involuntary.** In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability; and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 702 or FCC Form 703, as the case may require, shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person

or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

**§ 7.43 Application precedent to hearing.** Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

**§ 7.44 Failure to prosecute applications.** An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

**§ 7.45 Inconsistent or conflicting applications.** When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

**§ 7.46 Applications for authority to discontinue, reduce or impair service provided by a public coast station.** (a) Procedures relating to applications under section 214 of the Communications Act for authority to discontinue, reduce or impair service provided by a public coast station are set out in Part 63 of this chapter.

(b) Licensees of public coast stations who propose to discontinue service at the end of any license period shall file an appropriate application for discontinuance of service, as provided in Part 63 of this chapter. Any licensee of a public coast station who has filed, or who proposes to file, an application for authority to discontinue service provided by such station shall, during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

**§ 7.47 Request for amendment or waiver of rules.** (a) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation

governing stations in the maritime mobile service, maritime radiolocation service, or fixed service subject to this part. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s) and shall set forth the reason(s) in support of the petition.

(b) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

**§ 7.48 Applications in an emergency.**

(a) In cases of emergency involving danger to life or property or due to damage to equipment, applications for a construction permit and a station license, or modification or renewal thereof, may be filed by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted to construct or operate a station in accordance with the unverified request for the duration of such emergency. *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

(b) Each application submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(1) Name of applicant;

(2) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(3) Location of proposed installation or operation;

(4) Official call letters of any valid station authorization already held by applicant and the station location;

(5) Class of station desired (not required for renewal, nor for modification unless class of station is to be modified);

(6) Frequency assignment, authorized transmitter powers, and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved)

(7) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved);

(8) Specific stations with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules)



(9) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section including estimated duration of emergency.

**NOTE:** This statement should include a showing that circumstances beyond the control of the applicant prevented the filing of an application as normally prescribed by applicable provisions of this part on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

(c) Each application submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in paragraph (b) of this section, contain such of the following information as is not already on file with the Commission:

- (1) Address of applicant;
- (2) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter;
- (3) Relation of applicant to owner of transmitting equipment involved;
- (4) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

#### SUBPART C—STATION AUTHORIZATION

§ 7.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the installation ready for operation, unless otherwise determined by the Commission in any particular case.

§ 7.62 *Forfeiture of construction permit.* A radio station construction permit shall be automatically forfeited if the construction authorized by such permit is not completed within the time specified therein or within such further time as the Commission may have allowed for completion, unless prevented by causes not under the control of the holder of the construction permit.

**NOTE:** A notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

§ 7.63 *Changes in licensed station.* (a) A change may be made in licensed transmitting equipment without making application to the Commission and without specific authorization from the Commission: *Provided:*

(1) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved.

(2) A description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at any station other than a marine-utility station:

(1) Any change that will increase or decrease by more than five feet the over-all height of an antenna used for transmission on any frequency or frequencies above 100 Mc.

(2) Any change that will appreciably modify the power gain or radiation pattern of an antenna used for transmission on any frequency or frequencies.

(3) Any change in the antenna structures which will result in such structures exceeding an over-all height of 170 feet above ground level.

(4) Any change in the antenna structures or their location which will result in such structures exceeding an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(5) Any change in antenna structures or their location when such structures already are required to be marked in accordance with Part 17 of this chapter.

**NOTE:** The term "antenna structures" includes the radiating system and its supporting structure. For detailed information on this subject, see Part 17 of this chapter.

(c) Changes, except as designated in paragraph (b) of this section, may be made in the antenna or antenna supporting structures of a licensed station without specific authorization from the Commission: *Provided,* That, for stations other than marine-utility stations:

(1) The Commission at Washington, D. C., and the Commission's engineer in charge of the inspection district in which the station is located are notified in advance of such changes; and

(2) A description of such changes is incorporated in the next application for renewal or modification of the station license.

#### § 7.64 *Equipment and service tests.*

(a) Equipment and service tests of any radio transmitting facilities authorized by a construction permit issued by the Commission in respect to a station subject to this part may be conducted as prescribed in paragraphs (b), (c), and (d) of this section: *Provided,* That necessary precautions are taken to avoid interference to the service of other authorized stations.

(b) *Equipment test:* Upon completion of construction or installation of radio transmitting facilities in a station in exact accordance with the terms of the related construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and prior to the filing of an application for license or modification of license, the permittee is authorized to test the equipment in accordance with applicable terms of the construction permit for a period not to exceed 10 days: *Provided,* That the Commission's engineer in charge of the radio district in which the

station is located is notified two days in advance of the beginning of tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(c) *Service test:* When equipment tests have been completed, and after application for station license or modification thereof has been filed with the Commission showing the transmitting equipment and associated apparatus to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of such tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(d) *Limitations:* The authorization for tests embodied in paragraphs (b) and (c) of this section shall not be construed as constituting a license to operate but as a necessary part of the authorized construction. Equipment and service tests shall not commence after the expiration date of the construction permit.

(e) *Common carrier service tests:* When new stations in common carrier services are ready in all respects to be placed in service, equipment and service tests are authorized to be conducted as outlined in paragraphs (b) and (c) of this section: *Provided,* All necessary precautions are taken to avoid interference to any other authorized station. No service may be furnished to the public during the equipment test period. Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs.

**NOTE:** See § 61.62 of this chapter.

§ 7.65 *Normal license period.* (a) A license for a coast station (including a limited coast station license authorizing such station to be operated on a secondary basis as a shipyard base station, and authorizing one or more associated shipyard mobile stations) shall be issued for a period of two years, unless otherwise specified in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new coast station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration date of the current license term, the new license shall be issued for the unexpired period of the current license term only.

(b) A license for any class of station subject to this part, other than a coast station or a developmental station, shall be issued for a period of one year, unless otherwise stated in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new station license is granted to become effective

three months or less before the normal expiration date of the term of this class of license, the new license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration of the current license term, the license shall be issued for the unexpired period of the current license term only.

(c) A license for a developmental station subject to this part shall be issued on a temporary basis and shall be valid for a specific period of time extending not more than one year from the date on which the license becomes effective.

**§ 7.66 Period of modified license.** When an application for modification of station license is granted, a superseding license shall, unless otherwise ordered, be issued for the unexpired period of the superseded license.

**§ 7.67 Simultaneous modification and renewal.** When an application is granted which necessitates the issuance of a modified station license less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of expiration of the present license, the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

**§ 7.68 One authorization for plurality of stations.** (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of a designated maximum number of marine utility stations, normally in multiples of ten stations, whenever the following elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled.

(1) The permittee or station licensee, as applicable;

(2) The conditions which establish and maintain control of the station by the permittee or the station licensee, as applicable.

(3) The local geographic area to which use of the particular station will be confined;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type)

(5) The authorized transmitter power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment, and the authorized transmitter-power, and class or classes of emission authorized for each radio-channel.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

(c) Unless otherwise directed by the Commission, one construction permit or one station license shall be issued to au-

thorize the construction, or use and operation, respectively, of (1) a land station to be operated primarily as a limited coast station in the maritime mobile service and on a secondary basis as a shipyard base station in the land mobile service, and (2) one or more shipyard mobile stations in the land mobile service which are to communicate with such land station from within the local geographic area in which the land station is located.

**§ 7.69 Transfer or assignment of station authorization.** Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights thereon granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

**§ 7.70 Authorized station location.** (a) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary and shall be designated in the station authorization as temporary together with either a specific temporary location or locations or within a prescribed geographic area, in accordance with information included in the related application for station authorization.

(b) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and the particular location shall be specifically designated in the station authorization.

(c) When a station (other than a marine-utility station or a shipyard mobile station) which is authorized to be used and operated at a temporary location or locations remains at any single location for more than six consecutive months, an application for modification of the station license to specify such station location as permanent shall be filed not more than thirty days after the expiration of the six month period involved.

(d) When a station (other than a marine-utility station or a shipyard mobile station) which is authorized to be used and operated at more than one temporary location, is moved from one radio inspection district to another for use and operation in the latter district, the station licensee shall so notify the Commission's engineers in charge of the respective districts. Such notification shall, if practicable, be given prior to such change in location but in any event not later than forty-eight hours thereafter.

(e) Prior authorization from the Commission is required before a station may be used and operated at any station location not authorized by either the station authorization or applicable rules and regulations of the Commission.

**§ 7.71 Authorized control point.** (a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall, except as provided in subparagraph (1) of this paragraph, be designated in the station license as stated in subparagraph (2) of this paragraph:

(1) When no control point location is designated in a station license, the control point shall be:

(i) Not more than 500 feet from the location of the authorized radio transmitting apparatus, for stations other than shipyard mobile stations.

(ii) On the shipyard land mobile unit in which the station is installed, in the case of shipyard mobile stations.

(2) When the control point is at a location more than 500 feet from that of the authorized radio transmitting apparatus, the control point location shall be designated as follows:

(i) In urban areas, the street address shall be specified.

(ii) In rural areas, the approximate location shall be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively; or in distance and direction from the center of a nearby established community in terms of statute miles and geographical quadrant, respectively.

(b) Prior authorization from the Commission is required before a change may be made in the location of an authorized control point or before any control point not authorized by the station license, or by applicable rules and regulations, may be utilized in respect to the particular station.

(c) Except for use with a shipyard mobile station, a dispatch point or points may be installed and used without obtaining any instrument of authorization from the Commission: *Provided*, That with respect to public and limited coast stations using telegraphy, information relative to the location of each permanently established dispatch point is submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is permanently established.

**§ 7.72 Assignment of call signs.** (a) Stations subject to this part shall be assigned call signs in accordance with applicable provisions of the International Radio Regulations and the Communications Act as set forth in the following paragraphs of this section.

(b) Class I and class II coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.



(d) Each station license issued to authorize the use and operation of one or more marine-utility stations or shipyard mobile stations shall designate for those stations a single call sign consisting of two letters followed by four digits, taken from the group KA through KZ.

(e) Stations on land in the maritime radiolocation service (including the maritime radionavigation service) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(f) Marine fixed stations and marine relay stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(g) Marine control stations and marine repeater stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(h) Marine receiver-test stations shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(i) Developmental stations shall be assigned call signs of the category assignable under the provisions of this section to the class of station associated with the respective developmental station.

(j) In accordance with the preceding paragraphs of this section, call signs shall be assigned on a strict sequence basis, without advance reservation of particular call signs for specific stations or specific purposes.

#### § 7.73 Operation during emergency.

(a) The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the operation of such stations: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the engineer in charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineers in charge be notified immediately when such special use of the station is terminated: *And, provided further*, That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further* That the Commission may, at any time, order the discontinu-

ance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station, during a period of national emergency, to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy or Air Force.

§ 7.74 *Notice of involuntary discontinuance, reduction or impairment of service.* (a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify the Commission at Washington 25, D. C., and the Commission's engineer in charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification thereof shall be given to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification thereof shall be given to the Coast Guard and to the Commission's engineer in charge.

(b) Notification need not be given with respect to involuntary suspension or substantial reduction of the normal service of a limited coast station (provided a watch normally kept by such station on 500 kc or 2182 kc is not reduced or suspended thereby) or any other station subject to this part, except public coast stations as provided in paragraph (a) of this section, during any period of involuntary reduction or suspension not exceeding 10 days. Whenever the period of such involuntary suspension or reduction exceeds 10 days, notification thereof shall be given, except for marine-utility stations and shipyard mobile stations, to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the known or estimated time of resumption of normal operation. In the event any reduction or suspension of the service of a limited coast station causes a reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located,

together with notification of the estimated or known time of resumption of such watch.

*NOTE:* For rules covering the filing of applications for authority under sec. 214 of the Communications Act, see Part 63 of this chapter.

§ 7.75 *Notice of voluntary discontinuance, reduction or impairment of service.* When the service of any station subject to this part (other than a marine-utility station or a shipyard mobile station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification thereof shall be given to the Commission's engineer in charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station or a shipyard mobile station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

§ 7.76 *Cancellation of license.* In all cases of permanent discontinuance of operation of stations subject to this part, the licensee shall immediately forward the station license to the Washington, D. C., office of the Commission for cancellation: *Provided*, That this requirement shall apply to the permanent discontinuance of operation of marine-utility stations or shipyard mobile stations, only when the operation of all stations of either class authorized by one station license is permanently discontinued.

*NOTE:* See § 61.57 of this chapter for procedure in cancelling applicable tariffs.

#### SUBPART D—GENERAL STATION REQUIREMENTS

§ 7.101 *Inspection of stations.* Pursuant to section 303 (n) of the Communications Act, all stations subject to this part and all station records required by this part shall be available for inspection by authorized representatives of the Commission at such times and intervals which, within the discretion of the Commission, are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements.

§ 7.102 *Posting of station license.* (a) The current station authorization for each station (other than a marine-utility station) subject to this part,

which is authorized for use and operation at a permanent location, or at a single temporary location, shall be posted in a conspicuous place at the principal control point of that station. At all other control points designated in the station authorization, a photocopy of the authorization shall be posted. In addition, a Transmitter Identification Card (FCC Form 452-C) properly executed, shall be affixed to each transmitter of such station when such transmitter is not in view of, and readily accessible to, the responsible operator, at the principal control position. The following information shall be entered on the Transmitter Identification Card by the permittee or station licensee:

- (1) Name of permittee or licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station authorization and any station records required by the Commission;
- (4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (5) Signature of the permittee or licensee, or his duly authorized agent.

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this part, which is of portable nature and is authorized for use and operation of two or more temporary locations, shall be posted either at the control point of the station or retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside of any cabinet or other structure in which the transmitting apparatus is contained.

(c) With respect to a plurality of marine-utility stations authorized by one station license in accordance with the provisions of § 7.68, the station license shall be retained by the licensee at any location where it is accessible to Commission inspection. In lieu of posting the license, a Transmitter Identification Card (FCC Form 452-C Revised) properly executed shall be affixed to each authorized transmitter: *Provided*, That where the transmitting equipment (such as may be installed in a land vehicle) is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the station operating position. The following information shall be entered on the Transmitter Identification Card by the station licensee:

- (1) Name of station licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station license and any station records required by the Commission;
- (4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (5) Signature of the licensee, or his duly authorized agent.

(d) (1) With respect to one or more shipyard mobile stations authorized by one land station license in accordance with the provisions of § 7.22 (e) the cur-

rent land station authorization shall be posted as designated in paragraph (a) of this section. On each shipyard land mobile unit in which an authorized shipyard mobile station is installed, either a photo-copy of the associated land station authorization or a Transmitter Identification Card (FCC Form 452-C Revised) shall be available as follows:

(i) The photo-copy of the land station authorization shall be posted in a conspicuous place in the mobile unit or shall be retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside any cabinet or other structure on the mobile unit in which the transmitting apparatus is contained; or

(ii) The Transmitter Identification Card shall be affixed to each authorized transmitter: *Provided*, That where the transmitting equipment is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the radio operating position on the mobile unit.

(2) When a Transmitter Identification Card is provided in accordance with subparagraph (1) of this paragraph, the following information shall be entered thereon by the station licensee:

- (i) Name of station licensee,
- (ii) Shipyard mobile station call sign assigned by the Commission,
- (iii) Exact location of the associated land station license and any station records required by the Commission,
- (iv) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (v) Signature of the licensee or his duly authorized agent.

§ 7.103 *Requirements concerning station location.* (a) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class I public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall, when such apparatus is to be used and operated on any frequency assignment below 5000 kc, be located as close as practicable to the open sea.

(b) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class II public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall be installed at a location which, according to generally established engineering principles and standards, should not result in abnormally high attenuation of emission, insofar as such attenuation is caused by land intervening between that location and the majority of ship stations with which communication is to be effected.

(c) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class III public coast station, the construction of which is authorized by the Commission subsequent to July 1, 1952, shall be centrally located, insofar as

practicable, in relation to the center of the geographic water area to which ship-shore communication is to be provided by the particular coast station, as specified in the related application for construction permit.

(d) Applicants for construction permits to establish coast stations for transmission on any frequency assignment(s) within the frequency-band 156.35 Mc to 162.05 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States Government stations.

§ 7.104 *Facilities required for coast stations.* (a) As a minimum, public coast stations using telegraphy shall be provided with the facilities designated herewith:

(1) Stations having a frequency assignment within the band 405 to 535 kc shall:

(i) Be equipped to transmit efficiently with classes A1 and A2 emission on the general maritime calling frequency (500 kc assigned frequency) and on at least one additional radio-channel authorized for working within the band 405 to 535 kc;

(ii) Be equipped to receive efficiently classes A1 and A2 emission on all radio-channels authorized for the maritime mobile service of telegraphy within the frequency-band 405 to 535 kc.

(2) Stations having a frequency assignment below 150 kc shall:

(i) Be equipped to transmit efficiently with class A1 emission on at least one radio-channel authorized for working within the band 100 to 150 kc;

(ii) Be equipped to receive efficiently class A1 emission on all radio-channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100 to 150 kc.

(3) Stations having a frequency assignment above 4000 kc shall:

(i) Be equipped to receive efficiently on each assigned frequency, and on each assigned frequency for ship stations using radiotelegraphy as designated in Part 8 of this chapter when such ship station frequency is in the same characteristic portion of the spectrum as is the coast station assigned frequency.

(b) As a minimum, public coast stations using telephony shall be provided with the facilities designated herewith:

(1) Each coast station licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency, with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

(2) Each coast station licensed to transmit by telephony on any radio-channel within the frequency band 156.35 Mc. to 162.05 Mc shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on the radio-channel of which the authorized carrier frequency is 156.8 Mc.

(c) All coast stations shall comply with the following requirements:

(1) Each coast station which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency shall be capable of efficiently receiving telephony (A3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 2000 to 3500 kc.

(2) Each coast station which is licensed to transmit on the radio-channel of which 156.8 Mc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (F3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 156.35 Mc to 162.05 Mc.

(3) Marine utility stations used on shore shall comply with the requirement of subparagraph (2) of this paragraph.

§ 7.105 *Special provisions relative to VHF facilities.* (a) Coast stations at locations separated by less than 150 statute miles, which transmit on a radio-channel above 100 Mc, shall minimize any interference between the particular stations using the same radio-channel above 100 Mc by a mutually agreeable time-sharing arrangement, subject to direction by the Commission if agreement cannot be attained by the involved station licensees. In addition, where practicable, such licensees shall use directive antennas to minimize interference between the particular stations.

(b) Coast stations at locations separated 150 statute miles or more, which transmit on a radio-channel above 100 Mc, shall minimize interference between the particular stations using the same radio-channel above 100 Mc in so far as is practicable by adjustment of radiated power (provided the authorized transmitter power is not exceeded) by adjustment of antenna height (within the physical limitations approved by the Commission with respect to air navigation) or by employing appropriate antenna directivity. Appropriate remedial action in this respect may be specifically required of particular station licensees when, in the discretion of the Commission, such requirement must be imposed by a specific directive.

(c) Coast stations which transmit on a radio-channel above 100 Mc and are located within interference range on such channel of any station within a foreign country bordering on the United States, shall take such measures of the nature prescribed in paragraphs (a) and (b) of this section as may be practicable

and appropriate to minimize interference to the involved foreign station(s), and shall keep the Commission fully informed of all pertinent developments.

(d) Each coast station subject to the provisions of any preceding paragraph of this section, which is authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with such provisions.

§ 7.106 *Operating controls.* (a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Such operating controls as necessarily are used for commencing and discontinuing normal operation of each coast station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(c) Every coast station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Every coast station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(e) Every coast station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Every coast station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within the same characteristic portion of the spectrum below 515 kc within a period of five seconds: *Provided, however, That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.*

(g) Every coast station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within:

(1) A period of five seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc to 4000 kc; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 156 Mc to 162 Mc.

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

§ 7.107 *Antenna requirements.* (a) The antenna(s) of each public coast station shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a coast station (public or limited) or a marine-utility station operated on shore, using telephony on any frequency assignment within the frequency band 30 Mc to 200 Mc, normally shall be polarized vertically at the source: *Provided, That the Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by mobile stations.*

§ 7.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 7.109 *Measurement of emission frequencies.* (a) The licensee of each station subject to this part shall be responsible for measurement of each carrier frequency in use by the station as stipulated in the following paragraphs of this section: *Provided, That when a carrier does not exist (except for radar transmitters) measurements shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.*

*Note:* The licensee of a station on land using a radar transmitter shall take the necessary measures to insure that the trans-

mitter operates within the emission limits specified in § 7.133.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature)

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a radar transmitter) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records

at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided*, That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 7.110 *Measurement of transmitter-power* (a) The actual power of each radio transmitter of a coast or fixed station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, in so far as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 and 80 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a coast or fixed station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided*, That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a coast or fixed station, subject to this part, as rated by the manufacturer, is capable of being more than 120 percent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has

been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature),

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of amplitude modulation, the term "power", as used in paragraphs (a) (b) and (c) of this section, means power without modulation present.

(e) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

§ 7.111 *Modulation adjustments for telephony*. (a) Coast stations, fixed stations, and marine-utility stations subject to this part and using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Coast stations, fixed stations and marine-utility stations subject to this part using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 percent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature)

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.



(d) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

§ 7.112 *General requirements for receiving apparatus.* The radio equipment of each coast station, shipyard mobile station, and marine-utility station must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies normally received for the service carried on, including any land mobile service for which the facilities of a coast station may be authorized. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast, shipyard mobile, or marine-utility station on the associated transmitting frequency.

§ 7.113 *Facilities for busy signal in telephony.* (a) A "busy" signal, when used by a coast station in accordance with the provisions of § 7.312 (d), may be transmitted by appropriately modulating the carrier wave of the station by means of a single audio frequency regularly interrupted, as follows:

1. Modulating frequency: Not less than 100 nor more than 1100 cycles per second, provided the frequency used for this purpose shall not cause auto-alarms or selective-ringing devices to be operated.

2. Rate of interruption: 60 times per minute.

3. Duration of each interruption: 0.5 second.

4. Tolerance for each of the factors 2 and 3: 10 percent.

(b) As an alternative to the technical factors set forth in paragraph (a) of this section, other appropriate technical factors may be authorized by the Commission for the purpose of a "busy" signal pursuant to § 7.312 (d)

§ 7.114 *Required coast station clock.*

(a) A reliable clock with a second hand shall be installed at the radio operating control point of each coast station licensed for telegraphy on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. In each coast station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.

(b) On each day the coast station is operated, the time indicated by this clock shall be compared with standard time and, if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time: *Provided*, That this requirement shall not preclude adjustment of this clock to Greenwich mean time pursuant to the International Radio Regulations.

§ 7.115 *Retention and availability of radio station logs.* (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry.

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complainant has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

*NOTE.* See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

§ 7.116 *Requirements as to control points.* At each control point of each coast, fixed, or shipyard mobile station subject to this part, the following facilities shall be provided:

(a) A carrier-operated device which will provide continuous visual indication whenever the transmitting apparatus is supplying power at radio-frequency to the antenna; or, in lieu thereof, a pilot lamp or meter or equivalent device which will provide continuous visual indication whenever the transmitter control circuits have been placed in a condition to actuate the radio transmitting apparatus: *Provided, however* That the provisions of this paragraph shall not apply to marine-utility stations;

(b) Equipment to permit the responsible operator to aurally monitor all transmissions originating at dispatch points under such operator's supervision, if dispatch points are utilized;

(c) Facilities which will readily permit the responsible operator either to disconnect the dispatch point circuits from the radio transmitting apparatus or to render such apparatus inoperative from any dispatch point under the supervision of such operator; and

(d) Facilities which will permit the responsible operator to energize and de-energize the radio transmitting equipment at will. For this purpose the term "de-energize" means to suppress completely all emission from the transmitting antenna. The use of a telegraphic key or keying device as a means of compliance with this provision is acceptable when it is readily possible for the responsible operator to de-energize the station by means of such key or keying device.

#### SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 7.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc:

Frequency ranges:	Percent
(1) From 14 to 515 kc.....	0.02
(2) From 1600 to 25000 kc.....	.005

(c) Authorized frequency tolerances for coast stations operating on frequencies above 30 Mc and for marine-utility stations:

(1) From 30 to 50 Mc:	Percent
For stations licensed to operate with a plate input power not in excess of 3 watts.....	0.02
For all other stations.....	.01
(2) From 100 to 200 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts.....	.01
For all other stations.....	.005

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency or frequency range:	Percent
(1) From 2000 to 2450 kc: Marine fixed stations and marine receiver-test stations.....	0.005
(2) For 27255 Mc: The authorized frequency tolerance for marine control, marine repeater and marine relay stations shall be specified in the respective station authorization.	
(3) From 72 to 76 Mc: Marine control, marine repeater and marine relay stations.....	0.005
(4) From 100 to 200 Mc: Marine receiver-test stations.....	0.005

(e) The frequency tolerance authorized for stations on land operating in the maritime radiolocation service shall be: (1) When using radar transmitter(s) only, within a frequency-band above 2400 Mc, the frequency tolerance is prescribed as follows: the frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than  $1.5/T$  megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

§ 7.132 *Authorized classes of emission.*

(a) When the class of emission is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

FREQUENCY-BAND AND CLASSES OF EMISSION AUTHORIZED<sup>1</sup>

- (1) Coast stations using telegraphy:
- |                       |  |
|-----------------------|--|
| 14 to 160 kc.....     | A1, and for brief testing A0.  |
| 160 to 490 kc.....    | A1, and for brief testing A0; A2, <sup>2</sup> A2a, <sup>2</sup> A2b, <sup>2</sup> for brief testing and distress, urgency and safety signals or any communication preceded by one of these signals. |
| 490 to 515 kc.....    | A1, A2, <sup>2</sup> A2a, <sup>2</sup> A2b, <sup>2</sup> and for brief testing A0.   |
| 2035 to 25000 kc..... | A1, and for brief testing A0.  |
- (2) Coast stations and marine-utility stations using telephony:
- |   |  |
|---|--|
| 1600 kc to 30 Mc.....                     | A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.                 |
| 30 Mc to 60 Mc.....                       | A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0. |
| 160.35 Mc to 162.05 Mc.....               | F3; and for brief operating signals F1 and F2; also for brief testing F0.                                  |
| For other frequencies or frequency-bands. | As designated in the station authorizations.   |
- (3) Marine fixed stations:
- |                      |  |
|----------------------|--|
| 2000 to 2450 kc..... | A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0. |
|----------------------|--|
- Marine receiver-test stations:
- |                             |   |
|-----------------------------|---|
| 2000 to 2450 kc.....        | Primarily A3, A3a, A3b; secondarily for test calling signals; A0, A1, A2, A2a, A2b. |
| 160.35 Mc to 167.45 Mc..... | Primarily F3; secondarily for test calling signals; F0, F1, F2.                     |
- Marine control, marine repeater and marine relay stations:
- |                     |   |
|---------------------|---|
| 27.255 Mc.....      | A1, A2, A2a, A2b, A3 and for brief testing A0.                  |
| 72 Mc to 76 Mc..... | A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing A0, F0. |
- (4) Stations using radar transmitters only:
- |                    |     |
|--------------------|-----|
| Above 2400 Mc..... | F0. |
|--------------------|-----|
- <sup>1</sup> The letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier.
- <sup>2</sup> Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited.
- <sup>3</sup> See §§ 7.132 (a) (2) and 7.368 (a) (2).

Stations of any category not designated in subparagraphs (1) (2) (3) and (4) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 7.133 *Authorized emission-bandwidths.* (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 7.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis).

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis).

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternatively shifted between

the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. (The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission).

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, That for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony.

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class F0 emission means pulso transmission with the absence of any modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 7.132 shall be as follows:



Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present) <sup>1</sup> Frequency band in which transmission occurs			
	2,000-4,000 kc	4,000-8,000 kc	5,000-25,000 kc	
	Day	Night	Class I station (kilowatts)	Class II station (watts)
Class O—plate or plate and screen grid modulated	Watts 1,500	Watts 700	Below 18,000 kc	Below 18,000 kc
Class G—control, screen, or suppressor grid modulated	3,000	1,400	Above 18,000 kc	Above 18,000 kc
Class B—cathode modulated	2,400	1,120		
Class B—linear	3,000	1,400		
Class BC—high efficiency	1,800	840		
Other classes	As specified in the station authorization			

<sup>1</sup> See § 7.303 (a) (3)

(d) For coast stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM), the maximum authorized transmitter-power shall be:

Class of radio frequency amplifiers used in last radio stage of transmitter	Maximum authorized transmitter power (when no modulation is present)		Frequency band in which operation occurs	Maximum authorized transmitter power (when no modulation is present)	
	Coast stations	Marine-utility stations		Public coast stations	Marine-utility stations
Class C—plate, or plate and screen-grid modulated	Watts 100	Watts 10	35 Mc to 44 Mc	Watts 100	Watts 10
Class G—control, screen, or suppressor-grid modulated	200	20	140.35 to 147.45 Mc	200	20
Class B—cathode modulated	100	10	161.55 to 162.05 Mc	100	10
Class B—linear	200	20		1,650	165
Class BC—high efficiency	100	10			
Other classes	As specified in the station authorization				

Frequency band in which operation occurs:  
Marine fixed stations and marine receiver test stations using telephony (amplitude modulation):  
200 kc to 250 kc:  
Class C—plate, or plate and screen grid modulated...  
Class G—control, screen, or suppressor grid modulated...  
Class B—cathode modulated...  
Class B—linear...  
Class BC—high efficiency...  
Other classes as specified in authorization.  
Marine receiver test stations (using telephony frequency modulation): 160.35 Mc to 167.45 Mc

(e) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Maximum authorized transmitter power (when no modulation is present)  
(watts)  
100  
200  
200  
100  
200

(f) For coast stations and marine-utility stations using telephony power shall be specified in the respective station authorization.  
(h) For the purpose of assuring adherence to the requirements of this section, or the application of the station authorization, the authorized transmitter-power, with reference to § 7.8 (hh) and (kk), may be computed

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0	Nemo	Nemo
A1	0 10 A1	224 cycles per second
A2	2 00 A2	2 724 cycles per second
A3	1 33 A3a	1 302 cycles per second
A4	2 00 A3b	2 724 cycles per second
A5	3 00 A3c	8 000 cycles per second
A6	4 00 A3d	8 000 cycles per second
A7	5 00 A3e	8 000 cycles per second
A8	6 00 A3b	8 000 cycles per second
A9	Nemo	Nemo
F1	Variable 1	40 000 cycles per second
F2	Variable 1	40 000 cycles per second
F3	30 F2	40 000 cycles per second
F4	30 F2	40 000 cycles per second
F5	30 F3	40 000 cycles per second
F6	30 F3	40 000 cycles per second
F7	Variable 2	Variable 2
F8	Variable 2	Variable 2
F9	Variable 3	Variable 3
F10	Variable 3	Variable 3

for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class A2 or special emission for operating signals) the authorized transmitter-power shall, in all instances, be measured when modulation is not present.

(1) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(2) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable) each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(3) Indication of the anode (plate) current may be accomplished by means of a direct-current (D'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(4) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(5) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this subparagraph (such as screen-grid current) such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current indicated for the purpose of this subparagraph.

#### § 7.135 [Reserved.]

§ 7.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 7.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall,

as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type-acceptance or as may be required by the Commission) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 7.137 *Special requirements for radiotelephone transmitters.* (a) Except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after January 1, 1952, for use and operation in a coast station, a marine-fixed station or a marine-utility station on shore, and all radiotelephone transmitters licensed by the Commission after July 1, 1953, for use and operation in such classes of stations shall be used with a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) (1) Each radiotelephone transmitter authorized in a coast station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 7.136. This requirement,

however, shall not apply to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the Maritime Mobile Service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a coast station license or a marine utility station license granted in behalf of the same licensee and having a date of expiration not later than December 31, 1954. In the event the operation of any such transmitter causes harmful interference to the service of any station, by reason of unauthorized emission, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it has been type accepted pursuant to the foregoing provisions of this subparagraph.

(2) Before being finally considered for type-acceptance, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, with 100 per cent modulation applied, the frequency deviation shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 7.8 (kk)	Attenuation (decibels)
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

§ 7.138 *Special requirements for radar transmitters.* (a) Each radar transmitter authorized for use in the maritime radiolocation service by any station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

(b) (1) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

(2) The provisions of § 7.136 governing the procedure to be followed for the purpose of obtaining type-acceptance of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type-approval thereof as required by paragraph (a) of this section.

#### SUBPART F—OPERATOR REQUIREMENTS

##### § 7.151 *Authorized operator required.*

(a) Except as otherwise provided in § 7.156, the actual operation of all transmitting apparatus in any radio station subject to this part shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter, subject, however, to the following provisions:

(1) When the station is used for telephony, the person actually operating the transmitting apparatus (normally a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter) may if authorized by the station licensee to do so, permit any person to speak over the station microphone: *Provided*, That during such transmission the station licensee or the licensed operator (acting in this respect as the station licensee's agent) shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations. In this respect, a microphone (located, for example at a dispatch point) used in connection with any land-wire telephone circuit which is electrically connected to the modulating system of the radiotelephone transmitting apparatus shall be construed for the purpose of this paragraph to be the station microphone.

(2) When the station is used for telegraphy, transmitted manually by means of the International Morse Code, the transmitting telegraph key shall, wherever its location, be manipulated only by a person who holds an operator license of the class valid for the operation of the particular class of station being operated.

§ 7.152 *Location of authorized operator* (a) Whenever the transmitting apparatus of a station subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at an authorized control point of that station and shall be responsible for proper operation of the station as controlled from that location.

(b) Subject to the conditions stipulated in § 7.151, an unlicensed person at a dispatch point may, after being authorized by the station licensee to do so, operate from that point a coast station or a fixed station: *Provided, however*, That such operation shall be under the direct supervision and responsibility of a person holding an operator license of the proper class issued by the Commission, who is on duty at an authorized control point associated for this purpose with the respective dispatch point.

§ 7.153 *Unattended operation of fixed stations.* (a) No person, whether or not a licensed operator, is required to be in attendance at any marine repeater station subject to this part which is licensed for operation solely on frequencies above 72 Mc with an authorized transmitter power not in excess of 100 watts when such station is being used and operated for re-transmission by self-actuating means of signals or communications being received simultaneously at that station from a marine control station, a marine relay station, or another marine repeater station: *Provided*:

(1) The emission of the station is controlled positively and solely by the received radio signals which, in accordance with the station authorization, are intended to effect such control.

(2) The activation and de-activation of the station is controlled positively by either radio or wire-line signals transmitted from an authorized control point at which a duly licensed operator exercises such control.

(b) Nothing contained in paragraph (a) of this section shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the marine-repeater station or for proper functioning and operation of the station in accordance with law.

§ 7.154 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart, all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 7.155 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided*, That in the case of marine-utility stations on shore and shipyard mobile stations or in the case where the operator holds a restricted radiotelephone opera-

tor permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 752-F) attesting to the existence of that license.

§ 7.156 *Waiver of operator license for VHF shipyard mobile stations.* (a) Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any shipyard mobile station when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided*:

(1) The person who operates the transmitting equipment is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of a person who, at the time, is an operator licensee on duty in accordance with § 7.152 at the control point of an authorized land station of the same station licensee with which the shipyard mobile station is associated, and with which it is authorized to communicate.

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety.

(3) In addition to complying with all other applicable rules and regulations, the transmitting apparatus of the station shall meet the following requirements:

(i) Operation of the transmitting apparatus shall require only use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(ii) The required radio frequency stability of the transmitting apparatus must be maintained (at all times during such operation by an unlicensed person) by the apparatus itself;

(iii) None of the operations necessary to be performed during the course of normal rendition of service of the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(iv) The transmitting apparatus shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(4) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of this chapter.

(5) Subsequent to any transmitter adjustments made in accordance with subparagraph (4) of this paragraph, and at all other times, the station licensee shall

be responsible for determining that the transmitting equipment continues to meet the conditions prescribed by subparagraph (3) of this paragraph;

(6) The person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 7.152 (a) as though he were a licensed operator.

(7) Nothing contained in this paragraph shall be construed to change or diminish in any respect, the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law.

(8) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

#### SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 7.171 *International Regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 7.172 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radiochannel authorized for use by a station subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radiochannels.

§ 7.173 *Secrecy of communication.* The station licensee, and the responsible radio operators, as well as all persons who may have knowledge of the text or of the existence of the radio communications transmitted or received by a fixed, land, or mobile station subject to this part, or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.

NOTE: See sec. 501, 502 and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

§ 7.174 *Unauthorized transmissions.* Stations operating in the maritime mobile service or in any fixed or land mobile service subject to this part shall not engage in radiocommunication which is superfluous or unnecessary in that service. Except in an emergency which requires otherwise, the transmission by such stations of signals or communica-

tions not addressed to an authorized station or stations in an authorized maritime service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 7.175 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 7.176 *Service of public coast stations.* (a) Each public coast station shall, within the scope of its normal operations, be bound to exchange radio-communication with any ship or aircraft station at sea. *Provided,* That such exchange of radio-communication shall be without distinction as to radio systems or instruments adopted by each station.

(b) Each public coast station shall, within the scope of its normal operations and without discrimination, acknowledge all calls and receive all messages and communications from mobile stations (except land mobile stations) within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile (except land mobile stations) stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

§ 7.177 *Service of limited coast stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 7.178, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited coast station or a marine-utility station operated on shore is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

§ 7.178 *General obligations of coast stations.* With respect to distress and the safety of navigation, life, or property, each coast station or marine-utility station shall, within the scope of its normal operation, acknowledge all such safety calls and receive all such safety communication addressed or directed to it by ship or aircraft stations. Notwithstanding the terms and conditions of the station license, such stations may transmit safety communication to any ship or aircraft station in the maritime mobile service.

§ 7.179 *Message charges.* (a) (1) No charge shall be made for the service of any public coast station unless effective tariffs applicable to such service are on file with the Commission, pursuant to

the requirements of Section 203 of the Communications Act and Part 61 of this chapter.

(2) No charge shall be made for the service of any station subject to this part, other than a public coast station, except as provided by and in accordance with § 7.352.

(b) No charge shall be made by any station in the maritime mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(c) No charge shall be made by any station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b) of this chapter, originating on a ship of the United States or of a foreign country.

(d) Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

(e) Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 7.180 *Priority of communications to be observed.* Stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 7.181, in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 7.181 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal for radioteleg-

raphy)<sup>1</sup> international automatic-alarm signals<sup>2</sup> for distress purposes, distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal.<sup>1</sup>

(3) Communications preceded by the international radiotelegraph safety signal.<sup>1</sup>

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signals<sup>1</sup> for radiotelephony and radiotelegraphy), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal,<sup>1</sup> or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal,<sup>1</sup> or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known by the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

**§ 7.182 Control by coast station.** When communicating with a mobile station in the maritime mobile service, coast stations may, for the sole purpose of reducing or avoiding interference, expediting communication and rendering an efficient service give instructions to the mobile station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station. This provision, however, shall

not apply in the event of distress, either actual or impending, except as provided, in respect to distress situations, by § 7.187 and applicable provisions of the International Radio Regulations.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

**§ 7.183 Prevention of interference.**

(a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a land station or a land mobile station subject to this part (or the person responsible in lieu of a licensed operator in respect to land mobile stations for which the requirement of an operator license is waived by the Commission; or in a public coast station using telephony, the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the land or mobile station transmitting frequency, to determine insofar as is practicable whether transmission by the land or mobile station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area (for example, all stations in the Great Lakes region are considered, with respect to operation on frequencies below 30 Mc, to be in the same interference area) *Provided*, That the requirement may be waived by the Commission upon application therefor in behalf of individual land stations which employ other effective means to avoid interference.

(b) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 7.181. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Communications between ship stations, between ships and aircraft stations, or between land stations and land mobile stations subject to this part, must not interfere with the work of coast stations. When this work is thus interfered with, the ship, aircraft, land mobile, or land station which causes such interference must stop transmitting or change to a different authorized frequency upon the first request of the coast station concerned: *Provided*, That this requirement shall not apply to ships or aircraft stations when they are transmitting signals or communications relating to a ship or aircraft in distress.

(d) Coast stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the coast station: *Provided*, That this provision shall not apply in event of distress, either actual or impending.

**§ 7.184 Transmission of traffic lists by coast stations.** (a) Public coast stations are authorized to transmit lists of official call signs (or in the use of telephony, the names of the respective ships) of mobile stations for whom they have public correspondence awaiting transmission. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency (including the assigned frequency 500 kc) that they are ready to begin transmission of such call lists on a specified radio-channel authorized for working.

(b) In operating pursuant to paragraph (a) of this section, public coast stations using telegraphy shall be governed by the applicable provisions of the International Radio Regulations.

NOTE: See Number 635, contained in Article 30 of the International Radio Regulations, Atlantic City (1947).

**§ 7.185 Transmission to plurality of mobile stations.** Information for the general benefit of mariners (including storm warnings and ordinary weather and hydrographic information) and press material may be transmitted by a coast station simultaneously to a plurality of mobile stations in the maritime mobile service: *Provided*, That the times at which such transmissions (except storm warnings and urgency and safety messages) are scheduled to begin, the maximum duration of each such transmission, and the specific radio-channels and class of emission used therefor, shall, with respect to each coast station, be subject to approval by the Commission.

**§ 7.186 Hours of service of stations on land.** (a) Each coast station or marine-utility station on shore whose hours of service are not continuous shall not suspend operation before having concluded all communication required in connection with a distress call or distress traffic.

(b) Each public coast station whose hours of service are not continuous shall not suspend operation before having concluded all communication (in addition to that designated in paragraph (a) of this section), within the scope of its normal operations, involving messages or calls originating in or destined to mobile stations or marine fixed stations which are within normal range of the coast station and which, in the case of mobile stations, have signalled their presence before the effective suspension of operation of the coast station.

(c) Unless otherwise authorized by the Commission upon adequate showing of need therefor, each class I public coast station shall maintain continuous hours of service during the entire period of validity of the station license.

(d) Unless otherwise specified by the Commission for particular stations, the hours of service of each class II and class III public coast station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station.

(e) Unless otherwise specified by the Commission for particular stations, the hours of service of limited coast stations and marine-utility stations on shore shall

<sup>1</sup> See § 7.7 for definition of this signal.

<sup>2</sup> The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.



be determined by the station licensee in accordance with the requirements of the respective ships served by each station.

(f) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of a public coast station not authorized for continuous hours of service to increase the hours of service of such station as may in the discretion of the Commission, be required to provide adequate public service: *Provided*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

(g) Unless otherwise specified by the Commission for particular stations, the hours of service of stations subject to this part which are not operating in the maritime mobile service shall be determined by the station licensee in accordance with the requirements of the service carried on by the station(s) involved, subject to such applicable conditions and limitations as are imposed by the rules of the Commission or by the International Radio Regulations.

§ 7.187 *Procedure relative to distress communication.* In addition to the governing provisions of the International Radio Regulations applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

(a) *Acknowledgment of distress message.* Any station in the maritime mobile service which receives a distress message relative to a vessel, aircraft, or other unit which is beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime mobile service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

(b) *Form of acknowledgment by telegraphy.* The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

- (1) Call sign of the mobile station in distress (transmitted 3 times)
- (2) The signal "de".
- (3) Call sign of the station acknowledging receipt (transmitted 3 times),
- (4) The signal "RRR" and
- (5) The distress signal.

(c) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress, or of another mobile station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(2) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(3) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the international distress signal is used to impose silence for this purpose.

(4) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (wait) followed by the word "distress" and the call sign of the station imposing silence.

(5) In cases of distress, the use of the radiotelegraph service abbreviation "QRT" must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(6) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(d) *Supplemental transmissions.* (1) A coast station equipped for telegraphy and located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate by the licensed radiotelegraph operator on duty at that station, transmit the radiotelegraph alarm signal<sup>3</sup> on the frequency 500 kc using the maximum available power and class A2 emission, when:

<sup>3</sup> This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The international distress signal for radio-telegraphy shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the international distress signal on 500 kc.

(i) A distress call has been transmitted and was not preceded by the alarm signal; or

(ii) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(2) When a coast station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful.<sup>4</sup> At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

§ 7.188 *Radiotelegraph watch by coast stations.* (a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the frequency band 405 to 535 kc shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.) For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc, except when the operator is transmitting

<sup>4</sup> In the Great Lakes region, the frequency 2182 kc may be used with class A3 emission, and additionally in other regions where its use may prove beneficial in securing assistance for the mobile unit in distress.



on 500 kc, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc if required as provided by paragraph (c) of this section) if it is not possible to maintain at the same time, by any practicable means<sup>5</sup> the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in paragraph (a) of this section.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in paragraph (a) of this section, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 90 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 7.189 *Radiotelephone watch by coast stations.* (a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio-channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio-channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio-channel(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 kc to 3500 kc; assigned frequency 156.8 Mc, comparable to working channels within the band 100 to 200 kc).

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1600 and 3500 kc shall, during its hours of service for telephony, maintain an efficient<sup>6</sup> watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency,

<sup>5</sup> Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

<sup>6</sup> This watch will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc from ship stations while the coast station is transmitting on any other authorized frequency or frequencies.

whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156.35 to 162.05 Mc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class F3 emission on the radio-channel of which 156.8 Mc is the assigned frequency, whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that the circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) With respect to those provisions of paragraphs (a) (b) and (c) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

§ 7.190 *Maintenance tests.* Stations subject to this part are authorized to engage in a minimum amount of test transmissions when considered by the station licensee to be necessary for the proper maintenance of the station: *Provided*, That precautions shall be taken always to avoid, in so far as may be possible, interference to other stations: *Further provided*, That this test transmission shall conform to such test operating procedure as is prescribed elsewhere in this part for the particular class of station involved.

§ 7.191 *Inspection of antenna tower lighting.* (a) The licensee of a station subject to this part which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act shall:

(1) Make a daily check of the tower lights not later than one hour after local sunset either by visual observation of the tower lights or by observation of an automatic indicator to insure that all such lights are functioning properly as required;

(2) Report immediately by telephone or telegraph to the nearest Airways

Communication Station or office of the Civil Aeronautics Administration any observed failure of any code and/or rotating beacon light(s) if such failure(s) is (are) not corrected within 30 minutes after observation thereof, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination; and

(3) Inspect at intervals of at least once each 3 months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) The station licensee or his representative shall make entries in the radio station log appropriate to the requirements of paragraph (a) of this section, as follows:

(1) The date and time of each day that the tower lights are turned on and off, if manually controlled;

(2) The time that the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of the tower lighting:

(i) Nature of such failure;

(ii) Date and time that the failure was observed;

(iii) Date, time, and nature of the adjustments, repairs, or replacements made;

(iv) Entry showing the identification of the Airways Communication Station (Civil Aeronautics Administration) which was notified of the failure of any code and/or rotating beacon light(s) not corrected within 30 minutes after observation and an entry of the date and time that such notice was given;

(v) Date and time that notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed;

(4) Upon completion of the periodic inspection required by paragraph (a) (3) of this section:

(i) The date of the inspection and the condition of all required lights and associated lighting control devices, together with the measured voltage under normal load at a reference point in the lighting circuit and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 7.192 *Maintenance of station log.* (a) Each station subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following paragraphs of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such

detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 7.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

#### SUBPART H—COAST STATIONS, USE OF TELEGRAPHY

§ 7.201 *Supplemental eligibility requirements for public coast station authorization.* Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or State or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act, provided the applicant is legally financially and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.202 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telegraphy are authorized to communicate:

(1) With any ship station or aircraft station operating in the maritime mobile service, for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, Government ship stations, aeronautical public service stations on board aircraft, and Government aircraft stations, for the transmission or reception of public correspondence:

(i) When the mobile station uses telegraphy on a frequency assignment available under the provisions of Part 8 of this chapter for use by ship stations for communication by means of telegraphy with public coast stations, or;

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telegraphy on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telegraphy with public coast stations.

(b) Upon application, a public coast station using telegraphy may be authorized to transmit press material, and meteorological and marine navigational information of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultane-

ously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

(c) Each public coast station using telegraphy is authorized to communicate additionally with other public coast stations (includes Government stations open to public correspondence) using telegraphy when such communication is necessary to facilitate the disposal of message traffic (public correspondence or safety communication) destined to or originated at mobile stations (public ship stations or aeronautical public service stations aboard aircraft) subject to and in accordance with the express conditions hereinafter set forth:

(1) For the interchange of operating signals, brief service messages or safety communication;

(2) For the transmission or receipt of message traffic destined to a mobile station which, by reason of its known or reported geographic location at the time, can be communicated with more effectively or more expeditiously by the coast station which receives such message traffic for relay to the mobile station: *Provided, however* That this procedure shall not be used for normal routing of radio traffic, but only when the coast station initially concerned is unable to communicate in an effective manner directly with such mobile station;

(3) For the transmission or receipt of message traffic, which originated at a mobile station, by a public coast station in the Great Lakes region exclusively, when the use of available point-to-point communication facilities would unduly delay the delivery of such message traffic to the addressee(s)

(4) Such communication as is permissible under subparagraphs (2) and (3) of this paragraph shall be conducted only in exceptional circumstances and with discretion, without incurring additional charges: *Provided*, Such utilization of radiotelegraphy shall not in any way replace or be used in lieu of point-to-point communication facilities which are available for the forwarding of message traffic to and from the particular coast stations involved;

(5) Only radio-channels authorized for working with ship stations (and used primarily for that purpose) shall be employed for this communication between coast stations and, in so far as may be practicable, only authorized frequencies within the band 415 kc to 5000 kc shall be used;

(6) All communications engaged in under the provisions of this paragraph shall be confined exclusively to that which is actually required to facilitate the transmission or reception of ship-shore public correspondence or to enhance safety at sea;

(7) Neither harmful interference nor intolerable delay shall be caused to communication between mobile stations and land stations or to communication between mobile stations.

§ 7.203 *Supplemental eligibility requirements for limited coast station authorization.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station using telegraphy may be

granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, The applicant is:

(1) Regularly engaged in performing a service for one or more governmental agencies; or

(2) An organization of which all persons who are members or shareholders are regularly engaged in performing a service for one or more governmental agencies; or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in performing a service for one or more governmental agencies.

(b) Each application for station authorization for a limited coast station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.204 *Points of communication of limited coast stations.* (a) Limited coast stations using telegraphy are authorized to communicate normally with the categories of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) Any ship station using telegraphy on the assigned frequency 500 kc;

(2) Specified limited ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(3) Specified public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(b) With respect to the terms of paragraphs (a) (2) and (3) of this section, the specific ship stations with which a limited coast station is authorized to communicate shall be designated appropriately in the license of such coast station.

§ 7.205 *Nature of service of limited coast stations.* (a) Limited coast stations using telegraphy shall:

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used for the transmission of press material or news items which are not required to serve a governmental purpose;

(4) Be used exclusively to serve governmental purposes including the transmission of safety communication.

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telegraphy through the medium of one or more public coast stations or United States government stations, limited coast stations shall not duplicate that service. In all other respects, limited coast stations may transmit by means of telegraphy such weather and hydrographic information as is required for the ships with which they normally communicate.

§ 7.206 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency for use by coast stations (public or limited) employing telegraphy subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided*, That frequencies below 150 kc are assignable to class I coast stations only; frequencies above 5000 kc are assignable primarily to class I coast stations, and secondarily to class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any class I coast station:

(1)	
143 calling	11200
500 calling and	11205
distress	11220
4462.5	11235
4705	11250
4780	11265
4785	11280
4790	* 11295
6250	* 11310
6260	* 11325
6270	* 11340
6280	* 11355
6290	12495
6300	12510
6310	12525
6320	12550
6340	12555
6350	12570
6360	12580
6370	12585
6390	12590
6400	12592.5
6410	12630
6440	12645
6450	12660
8350	12675
8360	12720
8370	12735
8375	12750
8380	13050
8390	13065
8420	13080
8430	13170
8435	16670
8440	16690
8445	16700
8450	16720
8452.5	16740
* 8480	16760
* 8490	16770
* 8495	16780
* 8500	16785
* 8580	16790
8640	16800
8670	16840
8680	16860
8687.5	16880
8690	16900
11115	16920
11130	16930
11145	16970
11160	16980
11175	16990
11190	

\* Subject to the special conditions and limitations set forth in paragraph (b) of this section.

(2) Each of the following frequencies is available for assignment to coast stations located within the general portion of the seacoast area of the continental United States as indicated below:

North Atlantic: 112.85, 124.05, 130.35, 132.10, 134.55, 137.00, 140.80, 147.50, 418, 430, 442, 460,\* 472, 476, 482, 22407, 22485, 22503, 22521, 22559, 22617.  
 South Atlantic: 137.70, 434, 464, 472, 483, 22431, 22503, 22569.  
 Central Atlantic: 482.  
 North Pacific: 482, 22539.  
 South Pacific: 418, 464, 22413, 22467.  
 Central Pacific: 126.15, 147.85, 430, 460,\* 476, 488, 22425, 22479, 22515, 22557, 22635.  
 Great Lakes: 482.  
 Gulf of Mexico: 139.80, 416, 420, 434, 438, 478, 484, 22431, 22467, 22569.

(3) The following frequencies are available for assignment to coast stations located in Puerto Rico and within the Territory of Hawaii:

Territory of Hawaii: 472 kc—Kahuku, T. H., 22,509 kc—any location within T. H.  
 Puerto Rico: 486 kc—Ensenada; 128.95 kc—Ensenada.

(4) Each of the following frequencies is available for assignment to coast stations at the respective locations indicated:

Frequency (kc)	For assignment to coast stations located primarily in <sup>1</sup> or in the vicinity of <sup>2</sup>
2036.....	Barnstable County, Mass. <sup>1</sup>
2037.5.....	San Francisco, Calif. <sup>2</sup>
2039.....	Florida (between latitudes 25° and 29°). <sup>1</sup>
2040.5.....	Boston, Mass. <sup>1</sup>
2042.....	Texas (east of longitude 95° south of latitude 31°). <sup>1</sup>
2043.5.....	Savannah, Ga. <sup>2</sup>
2045.....	San Francisco, Calif. <sup>2</sup>
2046.5.....	New York, N. Y. <sup>2</sup>
2048.....	New Orleans, La. <sup>2</sup>
2049.5.....	Florida (between latitudes 25° and 29°). <sup>1</sup>
2051.....	Los Angeles, Calif. <sup>2</sup> Jacksonville, Fla. <sup>2</sup> New York, N. Y. <sup>2</sup> Hawaii Islands. <sup>1</sup>
2052.5.....	Puerto Rico. <sup>1</sup> Texas and Louisiana (between latitudes 22° and 25° south of latitude 31°). <sup>1</sup>
2054.....	New Jersey (south of latitude 40°; east of longitude 74°, 30 minutes). <sup>1</sup>
2055.5.....	Mobile, Ala. <sup>2</sup>
2057.....	Los Angeles, Calif. <sup>2</sup>
2058.5.....	Florida (between latitudes 25° and 29°). <sup>1</sup> Grays Harbor and Pacific Counties, State of Washington. <sup>1</sup>
2060.....	State of New York (east of longitude 73°). <sup>1</sup>
2061.5.....	San Francisco, Calif. <sup>2</sup>
2063.....	Baltimore, Md. <sup>2</sup> Seattle, Wash. <sup>2</sup> Galveston, Tex. <sup>2</sup>

(b) (1) [Reserved.]

(2) In consideration of the fact that the frequency 455 kc is widely used as a standard intermediate frequency for the superheterodyne type of radio receiver, applications requesting assignment of the frequency 460 kc will be considered in relation to the possibility of general interference with the operation of receiving equipment of this type.

(3) The frequencies 8480, 8490, 8405, 8500, 8580, 11295, 11310, 11325, 11340, and 11355 kc are authorized for use by coast stations upon the express condition that interference shall not be caused to intercontinental aeronautical services.

(4) In addition to the specific frequencies listed in paragraph (a) of this

<sup>1</sup> Subject to the special conditions and limitations set forth in § 7.206 (b).

section, other frequencies within bands between 10 kc and 25000 kc shown in the Commission's Table of Frequency Allocations contained in § 2.104 (a) of this chapter as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however* That initial authorizations for such frequencies shall be limited to six months duration.

(5) In addition to the frequency assignment designated for telegraphy in the license of a coast station (public or limited), such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

(c) Frequencies assigned to government radio stations are assignable to non-Government coast stations (public or limited) for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 7.207 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be appropriately used by any coast station engaged in radiotelegraphy in the authorized bands between 405 and 535 kc. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. A coast station, however, may reply to calls by transmitting on a working frequency, when a mobile station requests the use of this procedure. (In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations normally request coast stations to answer by means of their normal working channel.) In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 90 to 160 kc (class A1 emission only). (When a ship station which uses frequencies within the band 90 to 160 kc desires to establish communication with a coast station, it normally calls that station on the frequency 143 kc, unless the Inter-

national List of Coast and Ship Stations provides otherwise.) This frequency is authorized to be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

**Note:** Coast stations reply on their normal working frequency in this band.

(c) All radio-channels within the band 4000 kc to 23000 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

(d) The normal calling frequency to be used by each coast station employing telegraphy when operating in the band 2035-2065 kc is its normal working frequency in this band. In addition to the transmission on the authorized working frequency in this band, coast stations may transmit on any frequency within the ship station calling band 2088.5 to 2093.5 kc for transmission of distress traffic exclusively.

**§ 7.208 Frequencies for working.** (a) Each assigned frequency listed in § 7.206 (a) and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working."

(b) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; any other use of this channel for working is prohibited.

(c) Coast stations having frequency assignments within the band 5000 kc to 25000 kc shall conduct their operations so as to reserve, in so far as is practicable, the use of frequencies within this band for communication over the relatively long distances for which these frequencies are particularly effective.

(d) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by means of telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit:

(1) On a telegraph working channel of a coast station within the band 110 to 150 kc when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 415 to 490 kc when directed to do so by the coast station for which the channel is authorized.

(3) Coast stations are authorized to direct ship stations to operate in accordance with the provisions of this section, whenever such means of operation is possible and appropriate.

**§ 7.209 Use of Morse Code required.** The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecom-

munication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

**§ 7.210 Identification of stations.** All radiotelegraph emissions of a coast station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 7.209 and the procedure set forth in the International Radio Regulations, and by means of the class of emission normally used by the station for telegraphy. *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 20 minutes whenever transmission is sustained for a period exceeding 20 minutes.

**§ 7.211 Procedure in testing.** (a) Coast stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 405 to 535 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE" any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

**§ 7.212 Radiotelegraph operating procedure.** (a) Except for the transmission of distress or urgency signals, all transmissions by coast stations must cease within the band 485 to 515 kc during each 500 kc silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof) 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

**§ 7.213 Station documents.** (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license or licenses, available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs;

(5) The List of Coast Stations and Ship Stations;

(6) The List of Stations performing Special Services;

(7) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29; 30, 31, 32, 35, 37, 38, 39, 40 and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station;

(8) This part and Part 8 of this chapter.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by paragraph (a) (1), (2), (3), (7), and (8) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

**§ 7.214 Station records.** (a) Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed

and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT)<sup>1</sup> except that in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight) and for coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kc) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kc during the 500 kc silent periods, a positive entry shall be made in respect to each such silent period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silent period is prohibited. Further, in respect to coast stations which, under applicable provisions of Subpart G of this part, are required to maintain a watch on 500 kc during their hours of service (i. e. not limited solely to the 500 kc silent periods) a positive entry shall be made at least once in each 15 minutes stating whether or not signals were received on this radio-channel (assigned frequency 500 kc) and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception.

(5) All distress calls, alarm signals, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may

appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channels on which such signals or messages were transmitted or received, and the position of any ship or other mobile unit in need of assistance, if this can be determined.

(6) All calls transmitted from or received by the coast station, together with a brief notation of any messages transmitted or received, shall be entered, showing the respective times, official call signs of the mobile or land stations communicated with, and the assigned frequency(s) on which the operations occurred.

(7) Whenever harmful interference is experienced by or reported to the responsible operator an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Limited coast stations using telegraphy shall maintain an accurate radiotelegraph log, during their hours of service, in the same manner and to the same extent as is required by paragraph (a) of this section for public coast stations using telegraphy. *Provided, however* That the entries specified by subparagraphs (6) and (10) thereof shall not be required for limited coast stations.

#### SUBPART I—PUBLIC COAST STATIONS, USE OF TELEPHONY

§ 7.301 *Supplemental eligibility requirements.* Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government

which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided*, The applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.302 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telephony are authorized to communicate:

(1) With any ship station or aircraft station operating in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations, for the transmission or reception of public correspondence;

(4) When the mobile station uses telephony on a frequency assignment designated in Part 8 of this chapter for ship-shore public correspondence by means of telephony;

(5) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telephony on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telephony with public coast stations.

(4) With marine fixed stations when the coast station uses for this purpose a frequency assignment below 4000 kc upon the express condition that neither harmful interference nor intolerable delay is caused to communication with mobile stations.

(b) Upon application, a public coast station using telephony may be specifically authorized by the terms of its station authorization to communicate with a designated station (government or non-government) at a remote fixed location isolated from the mainland where other communication facilities are not available: *Provided*,

(1) The station with which communication is carried on is duly authorized to communicate with the particular coast station involved; and

(2) The station with which communication is carried on shall transmit by telephony to the coast station:

(i) On a frequency assignment available for ship-shore public correspondence in accordance with the provisions of Part 8 of this chapter for public ship stations using telephony; or

(ii) On any other frequency assignment designated for this purpose in any other section of the Commission's rules or, with respect to United States Government stations, on any government frequency assignment duly authorized by the Government for this purpose.

(3) Any communication carried on shall be confined exclusively to that absolutely necessary for public safety or the protection of life or property; and

<sup>1</sup>For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.



(4) Neither harmful interference nor intolerable delay is caused to safety communication with ship stations.

(c) Upon application, a public coast station using telephony may be authorized to transmit meteorological and marine navigational information, of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

§ 7.303 *Duplication of facilities.* A public coast station shall not be authorized to provide a very high frequency maritime mobile service by the use of any frequency assignment above 100 Mc solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and, among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that the applicant's proposed facilities involving a frequency assignment above 100 Mc will serve the very high frequency communication needs in such area.

§ 7.304 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of amplitude modulation subject to and in accordance with paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2182—calling and distress

2450  
2466  
2482  
2490  
2506  
2514  
2522  
2530  
2538  
2550  
2558  
2566  
2572  
2582  
2590  
2598  
2738  
2782  
2784  
4067  
4372.4  
4406.9  
4420.7  
4427.6  
4434.5  
4752.5  
6240—Mississippi River system only.  
6455—Mississippi River system only.  
8205.5—Mississippi River system only.  
8550  
8747.6  
8768.9  
8797.3  
8811.5  
13157.5

13172.9  
13180.6  
13196  
17302.1  
17317.5  
17340.6  
17356  
22677.5  
22692.9  
22716

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8 161.9 162.0

(c) (1) The following specific frequencies may be licensed as authorized carrier frequencies for use by those public coast stations using telephony which, prior to September 1, 1950, were authorized to use a carrier frequency within the band 30 Mc to 40 Mc:

Carrier frequency	For assignment to public coast station(s) in the vicinity of—
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) The stations authorized to transmit on the radio-channel of which either 35.14 Mc or 35.18 Mc is the authorized carrier frequency, may employ either frequency modulation or amplitude modulation. Each of these carrier frequencies is available for use on a shared basis with limited coast stations, ship stations, marine-utility stations, and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public coast station authorization, or modification or renewal of station authorization, whose applications request authority to transmit on 35.14 or 35.18 Mc may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The frequencies 2514, 2550 and 2582 kc are authorized for use in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, the frequency 2550 kc shall not be used for transmission to ship stations of Canada and the frequency 2582 kc shall not be used for transmission to ship stations of the United States.

(3) The frequency 4067 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(4) Use of the frequencies 6240 kc and 6455 kc, are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(5) The frequencies 4372.4 kc and 8205.5 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m. central standard time is prohibited.

(6) Use of the frequency 8550 kc is authorized upon the express condition that interference shall not be caused to the intercontinental aeronautical services.

(7) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing coast station is capable of proper technical operation on that particular radio-channel preparatory to rendering regular service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

(e) In addition to the frequencies shown in paragraph (a) of this section, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

(f) (1) In addition to the frequency assignment designated for telephony in the license of a public coast station, such station when communicating by telephony with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned fre-

quency, the class of emission, and the permissible class of traffic on such radio-channel, shall be designated by the government station or the responsible government department or agency.

(2) Frequencies assigned to government radio stations are assignable to non-Government public coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 7.305 *Frequencies for calling and distress.*—(a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by public coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal, and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel in accordance with the procedure authorized in subparagraph (5) of this paragraph.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief announcements specifying the nature of a particular communication to be transmitted soon thereafter on other radio-channel(s) by the same coast station to a plurality of mobile stations, when such communication will be of general interest to mobile stations of the maritime mobile service, including ordinary weather and hydrographic information, or will consist of lists of mobile stations with which the coast station desires to communicate.

(6) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. This carrier frequency may be used by public coast stations as prescribed in § 7.309.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling," the radio-channels authorized in this subpart for "working" may be used for call and reply. *Provided*, Interference is not caused to any communication in

progress on the particular working channel.

§ 7.306 *Availability of frequencies below 30 Mc.* (a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That the designated carrier frequencies below 5000 kc and above 22650 kc are assignable only to coast stations located in the vicinity of the specific harbors, ports or places designated hereinafter opposite the respective coast station transmitting frequency. *Provided further*, That the coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated herewith:

(1) Working frequencies below 5000 kc:

Coast station transmitting carrier frequency <sup>1</sup> (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
2596.....	San Francisco, Calif.....	2193
2530.....	Hawaiian Islands.....	2184
2590.....	New York, N. Y.....	2163
4496.9.....	do.....	4537.7
4420.7.....	Hawaiian Islands.....	4422.5
4372.4.....	San Francisco, Calif.....	4377
4752.5.....	New York, N. Y.....	4161.5
4434.5 <sup>2</sup> .....	do.....	4122.1

<sup>1</sup> These frequencies are those which may be specified in applications for coast station authorizations.

<sup>2</sup> Available for use during period December 15 to March 15.

(2) Working frequencies between 5000 kc and 30 Mc:

Coast station transmitting carrier frequency <sup>1</sup> (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
8259.....	Hawaii.....	8212.6
8747.6.....	San Francisco, Calif.....	8123.4
8311.5.....	New York, N. Y.....	8252.3
8733.9.....	do.....	8219.7
12103.9.....	do.....	12235.8
12157.5.....	do.....	12237.3
12153.6.....	San Francisco, Calif.....	12230.4
12172.0.....	Hawaii.....	12372.7
17321.....	do.....	17471.9
17317.5.....	New York, N. Y.....	17437.3
17320.....	do.....	16325.8
17320.....	San Francisco, Calif.....	16310.4
22677.5.....	New York, N. Y.....	22627.3
22620.....	San Francisco, Calif.....	22627.3
22710.....	New York, N. Y.....	22625.8

<sup>1</sup> These frequencies are those which may be specified in applications for coast station authorizations.

(b) Subject to the specific limitations imposed herein and in § 7.304 (d) with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency. *Provided further*, That each coast station shall receive transmission from mobile stations on the associated receiving frequency also designated herein:

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency <sup>1</sup>		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use <sup>2</sup>	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.204 (a) (1) of this chapter. <sup>3</sup>
Boston, Mass.	2593	None.....	2163	None.
	2559	Day only, available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency. <sup>4</sup>	2163	Day only, available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency. <sup>4</sup>
	2450	Available beginning on a date to be designated, as replacement for 2559 kc. <sup>5</sup>	2260	Available beginning on a date to be designated as replacement for 2163 kc. <sup>5</sup>
New York, N. Y.	2522	None.....	2163	None.
	2590	None.....	2163	None.
	2452	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission. <sup>6</sup>	2232	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 500 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. <sup>6</sup>
	2553	None.....	2163	None.
	4496.9	None.....	4537.7	None.
Wilmington, Del.	4434.5	Available for use annually during period Dec. 15 to Mar. 15.	4122.1	Available for use annually during period Dec. 15 to Mar. 15.
	4752.5	None.....	4161.5	None.
	2553	None.....	2163	None.
Norfolk-Quantico, Va.	2538	None.....	2142	None.
Charleston, S. C.—Jacksonville, Fla.	2595	None.....	2269	None.
Miami, Fla.	2490	Day only. <sup>7</sup>	2261.5	Day only. <sup>7</sup>
	2514	Beginning, when 2490 kc becomes available for this location on a 24-hour basis: (1) Harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; (2) day only from Apr. 1 to Dec. 15 annually; (3) unlimited hours of use from Dec. 15 to Apr. 1, annually.	2215	No limitation until a date to be designated; thereafter unlimited from Dec. 15 to Apr. 1 annually, and day only from Apr. 1 to Dec. 15 annually.

See footnotes at end of table.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency <sup>1</sup>		Associated coast station receiving carrier frequency		Coast station transmitting carrier frequency <sup>1</sup>		Associated coast station receiving carrier frequency	
	Fre quency (kc)	Specific limitations imposed upon availability for use <sup>2</sup>	Fre quency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 354 (a) (1) of this chapter <sup>2</sup>	Fre quency (kc)	Specific limitations imposed upon availability for use <sup>2</sup>	Fre quency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 354 (a) (1) of this chapter <sup>2</sup>
Miami Fla	2550	Unlimited from Dec. 15 to Apr. 1 annually and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier is assigned for transmission	2158	Unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port	2598 2522	7 a. m. to 7 p. m. P. s. t. only 7 a. m. to 7 p. m. P. s. t. only, on condition that harmful interference is not caused to the service of any United States Government station which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused	2206 2126	7 a. m. to 7 p. m. P. s. t. only 7 a. m. to 7 p. m. P. s. t. only
Tampa, Fla	4427 6	None	4122 2	None	2506 2460	None	2406 2003	None Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of other of these ports
Mobile Ala	2572	None	23572 24300	Day only <sup>3</sup> No limitation until 2009 kc becomes available for this location on a 24 hour basis; thereafter unlimited from Dec. 15 to Apr. 1 annually and day only from Apr. 1 to Dec. 15, annually	2538 4372 4	7 a. m. to 7 p. m. P. s. t. only None	2142 4057	7 a. m. to 7 p. m. P. s. t. only None
New Orleans La	2598 2533	Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which this carrier frequency 2572 kc is assigned for transmission	2300 2106	None. Day only	2508 2500	None. 7 a. m. to 7 p. m. P. s. t. only	2206 2009	None. 7 a. m. to 7 p. m. P. s. t. only
Galveston, Tex.	2482	None	2382	None	2572 2482	None. Temporarily day only <sup>4</sup>	2126 2430	None. Temporarily day only <sup>4</sup>
San Juan, P. R	2530	None	2134	None	2530 4420 7	None	2134 4402 5	None
Great Lakes	2550 2514 2532 4420 7 4434 5 8797 3	Subject to applicable provisions of § 7.304 (d). Subject to applicable provisions of § 7.304 (d). Subject to applicable provisions of § 7.304 (d). None None None	2158 2118 2206 4115 3 4129 1 8248 1	None None Not available to United States ship stations for transmission None None None	2530	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, T. H., to which the carrier frequency 2530 kc is assigned for transmission	2108	None
Los Angeles-San Diego Calif	2566 2406	None. Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa Fla., to which this carrier frequency is assigned for transmission. <sup>3</sup>	2009 2332	None. Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. <sup>3</sup>	2430	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, T. H., to which the carrier frequency 2530 kc is assigned for transmission	2134	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, T. H., and is transmitting on this frequency to a coast station located in the vicinity of that port

<sup>1</sup> These frequencies are those which may be designated in applications for coast station authorizations.  
<sup>2</sup> With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a. m. eastern standard time.  
<sup>3</sup> This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated herein, on a specific beginning date to be designated in future rule making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.  
<sup>4</sup> This carrier frequency is to be withdrawn by the Commission from availability for this use by the maritime mobile service for ship-shore communication in respect to the particular coast station area designated herein for this frequency, on a specific date to be designated in future rule-making as soon as practicable after the associated replacement frequency designated herein is made available by the Commission for use in this service.  
<sup>5</sup> Pending clearance for use on a 24-hour basis

See footnotes at end of table.

(c) Subject to the specific limitations imposed herein and in § 7.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Carrier frequency (kc) <sup>1</sup>	Specific limitations imposed upon availability for use
Chicago, Ill., Pittsburgh, Pa., Louisville, Ky.; St. Louis, Mo., Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782 4067 4372.4 6340 6455 8205.5	None. Subject to applicable provisions of § 7.304. Do. Do. Do. Do.
Mobile, Ala.	2572	Not available for ship stations after Dec. 31, 1955.
Lake Dallas, Tex.; Lake Texoma, Tex.	2738	None.
Lake Mead, Nev., and other locations as required to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required, to serve vessels on inland waters of the northwestern continental United States.	2784	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

<sup>1</sup> These frequencies are those which may be designated in applications for coast station authorizations.

(d) The use of the working frequencies authorized in paragraphs (a), (b) and (c) of this section is subject to the applicable conditions and limitations set forth in § 7.304 (d). Further, and insofar as is practicable, class II coast stations shall use frequency assignments within the band 4000 kc to 30 Mc only when the use of frequency assignments outside this band will not provide effective communication.

§ 7.307 *Availability of frequencies above 100 Mc.* (a) Carrier frequencies which are assignable for use by public coast stations employing frequency modulation for telephony are designated herewith (these frequency assignments are not authorized for use in communicating with stations on board aircraft) for the transmission or reception of public correspondence:

(1) For transmission and reception on the same radio-channel:

156.8 Mc for calling and safety purposes;  
157.3 Mc and 157.4 Mc for working (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) at locations where interference is not caused to the use of either of these frequencies for reception from ship stations as contemplated under subparagraph (2) of this paragraph;

(2) For transmission on one radio-channel and associated reception on a different radio-channel:

For transmission:	For reception (Mc)
161.9 Mc	157.4
162 Mc	157.3

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

§ 7.308 *Conditions imposed upon assignments in 156–162 Mc band.* (a) The carrier frequency 161.9 Mc is assignable primarily to public coast stations employing frequency modulation for telephony which provide service to one or more of the harbors or ports designated herewith:

Portland, Maine.  
Albany, N. Y.  
Boston, Mass.  
Providence, R. I.  
New Haven, Conn.  
New York, N. Y.  
Philadelphia, Pa.  
Baltimore, Md.  
Norfolk, Va.  
Newport News, Va.  
Hampton Roads, Va.  
Charleston, S. C.  
Savannah, Ga.  
Jacksonville, Fla.  
Miami, Fla.  
Tampa, Fla.  
Mobile, Ala.  
New Orleans, La.  
Baton Rouge, La.  
Lake Charles, La.  
Port Arthur, Tex.  
Beaumont, Tex.  
Texas City, Tex.  
Galveston, Tex.  
Houston, Tex.  
Corpus Christi, Tex.  
Port Aransas, Tex.  
San Diego, Calif.  
Long Beach, Calif.  
Wilmington, Calif.  
Port San Luis, Calif.  
Estero Bay, Calif.  
San Francisco, Calif.  
Coos Bay, Oreg.  
Portland, Oreg.  
Tacoma, Wash.  
Seattle, Wash.  
Everett, Wash.  
Duluth, Minn.  
Superior, Wis.  
Two Harbors, Minn.  
Ashland, Wis.  
Presque Isle (Marquette County), Mich.  
Marquette, Mich.  
Port Inland, Mich.  
Escanaba, Mich.  
Green Bay, Wis.  
Milwaukee, Wis.  
Chicago, Ill.  
Indiana Harbor, Ind.  
Gary, Ind.  
Ludington, Mich.  
Calcutte (Rogers City), Mich.  
Detroit, Mich.  
Toledo, Ohio  
Sandusky, Ohio  
Lorain, Ohio  
Cleveland, Ohio  
Ashtabula, Ohio

Conneaut, Ohio  
Erie, Pa.  
Buffalo, N. Y.  
Pittsburgh, Pa.  
Louisville, Ky.  
St. Louis, Mo.  
Memphis, Tenn.

(b) Public coast stations which provide service to any harbor or port not specifically designated in paragraph (a) may be assigned the carrier frequency 161.9 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to the use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in paragraph (a) and (2) subject to the provisions of §§ 7.180 and 7.181 interference shall not be caused to the service rendered any harbor or port specifically designated in paragraph (a).

(c) The carrier frequency 162 Mc is assignable to any public coast station employing frequency modulation for telephony. *Provided*, (1) The carrier frequency 162 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequency 161.9 Mc to provide service to the particular harbor(s) or port(s) involved and who is utilizing the latter assigned frequency at maximum capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 162 Mc is not in a position to use the carrier frequency 161.9 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use this carrier frequency; and

(2) The licensee of any coast station to which the carrier frequency 161.9 Mc is already assigned who applies for additional authority to use the carrier frequency 162 Mc shall fully justify a need for such additional frequency assignment; and

(3) Any other applicant for authority to use the carrier frequency 162 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc.

§ 7.309 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used for safety communication as an alternative to the radiotelephone calling and distress frequency 2182 kc, when appropriate, by public coast stations employing telephony for short-distance communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used when necessary by public coast stations for:

(1) Call, reply, and the exchange of brief operating signals;

(2) Brief operating signals preparatory to working on another radio-channel;

(3) Announcing transmission to be made soon thereafter, on another radio-channel, which transmission is of general interest to ship stations, including ordinary weather and hydrographic information.

(c) The use of this radio-channel by public coast stations for transmissions of any other category is not authorized.

(d) Although use of the assigned frequency 156.8 Mc by public coast stations for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

#### § 7.310 Identification of station.

(a) All radiotelephone emissions of a public coast station shall be clearly identified by voice transmission therefrom in the English language of either the official call sign assigned to that station by the Commission or the approximate geographic location of the station as approved<sup>1</sup> in each case by the Commission upon request made by the station licensee or permittee: *Provided*, That in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved<sup>2</sup> for this purpose by the Commission. Identification as herein prescribed shall be made:

(1) Upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose.

#### § 7.311 Procedure in testing.

(a) Public coast stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test" shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency.

(3) If, as a result of the announcement prescribed in subparagraph (2) any station transmits by voice the word "wait" testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful inter-

ference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4 \* \* \* etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 Mc to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15-minute period.

#### GENERAL RADIOTELEPHONE OPERATING PROCEDURE

§ 7.312 General radiotelephone operating procedure — (a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations may use authorized classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

*NOTE.* See those provisions of Subpart E of this part relative to authorized classes of emission.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In the event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each public coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel

which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio-channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(6) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission by coast stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, coast stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

(d) *Use of busy signal.* A public coast station, when communicating with a ship station which transmits to the coast station on a radio-channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship stations is being received and during such other periods of time, pending completion of any one exchange of communications with a particular ship station, as may be considered necessary by the coast station to avoid or minimize interference from other stations.

§ 7.313 *Station documents.* Public coast stations using telephony shall be provided with and have readily available during their hours of service to the responsible operator (except as otherwise permitted by § 7.102 or § 7.155) the documents hereinafter specified:

Class of public coast station which must be provided with the document listed in the column at the left	
Document	
Parts 7 and 8 of this chapter.....	Classes I, II, and III.
A valid station license available in accordance with the provisions of § 7.102.	Classes I, II, and III.
The necessary operator license or licenses available in accordance with the provisions of § 7.155.	Classes I, II, and III.
Station log required by this part.....	Classes I, II, and III.
Alphabetical List of Call Signs.....	Class I; and class II stations that provide communication with ocean-going vessels.
List of Coast Stations and Ship Stations.....	Class I; and class II stations that provide communication with ocean-going vessels.

<sup>1</sup> Such voice identification as "Washington marine operator" to indicate that the station is located at or near Washington, D. C., may be approved if there will be no conflict with identification of any other station.

<sup>2</sup> The conditions to be met by such a device in order to obtain the approval of the Commission will be determined and will be incorporated in proposed rule making.



§ 7.314 *Station records.* (a) Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as herein-after specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT) except that, in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight) and for public coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to public coast stations, which by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc) or on the radiotelephone calling channel above 100 Mc (assigned frequency 156.8 Mc) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) All calls transmitted from or received by a coast station shall be entered, showing the call signs or names of vessels; the time, and the assigned frequencies involved: *Provided, however,* That when the manual operations of switching and handling of telephone calls directly between a ship telephone station and landline telephone facilities are not normally performed by a licensed radio operator, the entries prescribed by this paragraph may be omitted from the station log upon the express condition that equivalent records shall be currently maintained by the station licensee. Such records shall be made available upon request of an authorized Commission representative. The equivalent records shall include the time and such other notations as are necessary to identify the frequency(s) employed and the station(s) communicated with or heard. In addition, for each communication handled, a notation shall be made of the points of origin and destination of the communication. Local standard time may be used to record the occurrence in the equivalent record in lieu of Greenwich mean time or eastern standard time prescribed by subparagraph (3) of this paragraph: *Provided,* That the licensee may be required, upon request of an authorized Commission representative, to convert the standard time recorded to that specified in subparagraph (3) of this paragraph.

(7) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or per-

formed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

#### SUBPART J—LIMITED COAST STATIONS AND MARINE-UTILITY STATIONS, USE OF TELEPHONY

§ 7.351 *Supplemental eligibility requirements.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station or a marine-utility station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is:

(1) Regularly engaged in the operation of one or more commercial transport vessels, or one or more vessels of a municipal or state government, or is:

(2) An organization of which all persons who are members or shareholders are regularly engaged in the operation of one or more commercial transport vessels, or is:

(3) Legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial transport vessel, or is:

(4) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service.

(5) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are engaged in the operation of one or more commercial transport vessels.

(b) Each application for station authorization for a limited coast station or a marine-utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

#### § 7.352 *Cooperative use of facilities.*

(a) A person, state or local government subdivision, or any agency of the Federal Government subject to the provisions of section 301 of the Communications Act, engaged in the operation of one or more commercial transport vessels or government vessels may receive maritime mobile service from a limited coast station or a marine-utility station used on shore even though not the licensee of the limited coast station or the marine-utility station. The rendition of such service, however, will not be required of the licensee of the limited coast station or the marine-utility station without his consent, except as may be necessary in the enforcement of paragraph (c) of this section. The necessary cooperative arrangements for this purpose will be governed by the following provisions:

(1) Such persons, state or local government subdivisions or Federal agencies may and in the case of foreign persons shall themselves, be the licensees of the radio stations installed on board their respective vessels: *Provided*, That prior to receiving an authorization to render service to the involved ship station(s) the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be notarized but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate on the coast station or marine-utility station authorization the persons or government agencies to whom service may be rendered.

(2) The licensee of a limited coast station or marine-utility station used on shore may install licensed ship radio stations on board United States commercial transport vessels of other persons or on board vessels of appropriate government agencies: *Provided*, That in each case such persons or government agencies shall enter into a written agreement verifying that the ship station licensee has the sole right of control of the involved ship stations, that the vessel operators shall use the ship stations subject to the orders and instructions of the licensee of the coast station or marine-utility station on shore, and that the said licensee shall have, at all times, such access to and control of the ship station equipment as will enable him to carry out his responsibilities under the ship station license. A copy of the agreement with vessel owners required hereby shall be kept with the coast station or marine-utility station records and held available for inspection by Commission representatives.

(3) All provisions of this section applicable to ship stations are applicable also to marine-utility stations while the latter are used on board vessels, and to stations on board commercial transport vessels of any foreign country.

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the coast station or the marine-utility station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons or government agencies who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the licensee of the coast station or the marine-utility station and held available for inspection by Commission representatives. A financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted by the licensee of the coast station or the

marine-utility station annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

(c) If, in a particular geographic area, the use and operation of limited coast stations and (or) marine-utility stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this subpart relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary maritime mobile service within the affected area by a single station licensee.

#### § 7.353 [Reserved.]

#### § 7.354 *Points of communication.*

(a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, limited coast stations and marine-utility stations are authorized to communicate:

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With the following categories of ship stations for the transmission or reception of communication essential to the business or operational needs of ships:

(i) Limited ship stations and marine-utility stations on board ship, licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or with marine-utility stations on shore;

(ii) Public ship stations licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or marine-utility stations on shore;

(iii) Ship stations of any foreign country using telephony on the radio-channel of which 156.6 Mc is the authorized carrier frequency.

(b) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized by the terms of their respective station licenses to communicate on a secondary basis between themselves: *Provided*,

(1) Any communication carried on shall be confined exclusively to that absolutely necessary for the business or operational needs of the ship(s) with which at least one of the involved coast stations is authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each

other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall occur only on a frequency assignment above 30 Mc except on the radio-channel of which 156.6 Mc or 156.8 Mc is the authorized carrier frequency.

§ 7.355 *Nature of service.* (a) Limited coast stations and marine-utility stations using telephony shall:

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used to transmit program material of any kind for use in connection with radio broadcasting;

(4) Not be used for the transmission of press material or news items which are not required to serve the business or operational needs of ships;

(5) Be used exclusively to serve the operational and business needs of ships, including the transmission of safety communication.

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telephony through the medium of one or more public coast stations or United States Government stations, limited coast stations and marine-utility stations on shore shall not duplicate that service. In all other respects, limited coast stations and marine-utility stations on shore may transmit by means of telephony such weather and hydrographic information as is required for the business and operational needs of the ships with which they normally communicate.

(c) Each marine-utility station on shore shall be used and operated exclusively within the limits of the geographic area specified in the particular station license. Except as specifically provided otherwise in this part, each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations.

§ 7.356 *Assignable frequencies above 30 Mc.* (a) Carrier frequencies above 100 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore, employing frequency modulation for telephony, and for transmission and reception on the same radio-channel, are designated herewith:

(1) (i) For calling and safety purposes:

156.8 Mc

(ii) For working: (for communication pertaining only to the business and operational needs of ships)

156.4 Mc

156.5 Mc

156.6 Mc

156.7 Mc

156.9 Mc

157.0 Mc (this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Great Lakes, or of the Mississippi River or any tributary thereof, or within 100 miles of any portion of the Gulf of Mexico intracoastal waterway)

(2) Each of these assignable frequencies is available on a shared basis only, and shall not be construed as available for the exclusive use of any one station licensee in any area.

(b) The carrier frequency of each radio-channel which is assignable to a limited coast station or a marine-utility station as the initial working channel for communication with a specified class or classes of vessels is designated herewith; an additional radio-channel or channels for each function herein designated may be assigned to a particular station in accordance with paragraph (a) of this section provided that a sufficient need therefor is shown to exist:

(1) For use in all areas except the Great Lakes area:

(i) For communication with commercial transport vessels and government vessels which are navigated primarily within harbor or port areas; one of the following carrier frequencies:

156.4 Mc

156.5 Mc

156.6 Mc

157.0 Mc subject to the limitations specified in paragraph (a) (1) (ii) of this section.

(ii) For communication with vessels of any class in connection with harbor or port operations, including docking, lightering, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, etc..

156.6 Mc

(iii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port:

156.5 Mc

(iv) For communication with vessels of any class when such communication is essential to the effective operation of any duly authorized maritime radiolocation service which is available to all ships within the radiolocation service area:

156.7 Mc

In areas where the use of this carrier frequency is licensed for communication essential to radiolocation, the use of the radio-channel for such communication shall have absolute priority over any other use except for distress signals and distress traffic.

In areas where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(v) For communication with pilot vessels, normally stationed at the entrance to a harbor or port, primarily for obtaining regularly from such vessels information concerning the arrival and departure of ships moving to and from that harbor or port, when such information is required by and supplied to persons or government agencies on shore in con-

nection with the business or operation of ships:

156.9 Mc

In areas where the use of this carrier frequency for such communication with pilot vessels is not required, for the foregoing purpose, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case.

(2) For use in the Great Lakes area:

(i) For communication with commercial transport vessels, and government vessels which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock), between established marine terminals:

156.4 Mc

(ii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port and with commercial transport vessels used in the fishing industry:

156.5 Mc

(iii) For communication with commercial transport vessels and government vessels which are used in marine construction activities:

156.5 Mc

(iv) For communication with commercial transport vessels and government vessels which are classified as tugboats:

156.9 Mc

(c) Carrier frequencies within the band 30 Mc to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel of communication pertaining only to the business and operational needs of ships, are designated herewith:

Carrier frequency:	Normal geographic area of use
35.06 Mc----	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc----	Pacific coast area and Islands of the Pacific Ocean.
35.14 Mc----	Atlantic coast area.
35.18 Mc----	Mid-continent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

§ 7.357 *Conditions imposed upon assignments in 35-36 Mc band.* Each application which requests assignment of a carrier frequency designated in § 7.356 (c) shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the coast station or the marine-utility station on shore is located. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfac-

tory showing that the carrier frequency designated in § 7.356 (c) for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not clearly within one of the geographical areas designated in § 7.356 (c) the applicant may obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

§ 7.358 *Conditions imposed upon assignments in 156-162 Mc band.* Normally, a limited coast station or a marine-utility station on shore shall be authorized to use, for working, one radio-channel only, within the frequency-band 156.35 Mc to 157.05 Mc in accordance with the terms of § 7.356 (b). Application for authority to use more than one radio-channel for working shall include a satisfactory showing of need for such additional facility.

§ 7.359 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used when appropriate by limited coast stations and marine-utility stations employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used by limited coast stations and marine-utility stations for:

(1) Call, reply, and the exchange of brief operating signals; and

(2) Operating signals preparatory to message traffic on another radio-channel within the frequency-band 156.35 Mc to 157.05 Mc.

(c) The use of this radio-channel by limited coast stations or marine-utility stations for transmission of any other category is not authorized.

§ 7.360 *Call and reply on working channels.* Although use of the assigned frequency 156.8 Mc by limited coast stations and marine-utility stations on shore for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.361 *Use of assigned frequency 156.6 Mc.* The radio-channel of which 156.6 Mc is the authorized carrier frequency is designated primarily for communication concerning port operations. It may be used by limited coast stations and marine-utility stations, with discretion, to serve other business and operational needs of ships on condition that such use shall not interfere with nor delay the exchange of port operational message traffic.

§ 7.362 *Limitations on use of marine-utility stations.* (a) Marine-utility stations on shore shall be used and operated solely within the local geographic area specified in the particular station license.

(b) The antenna structures of a marine-utility station on shore shall meet all applicable requirements of Part 17 of this chapter.

(c) Marine-utility stations on shore shall not be used or operated in the immediate vicinity of any radio transmitting or receiving installation of a coast station, a base station in any land mobile service, or a U. S. Government station, which transmits or receives on any radio-channel(s) above 30 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s) that interference is not caused by such operation to the service of the coast, base, or government station(s) concerned.

§ 7.363 *Use of working frequencies for calling.* In addition to any radio-channel of which the carrier frequency is specifically authorized herein for "calling" the radio-channels authorized in this subpart for "working" may be used for call and reply also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.364 *Time limitation on communication.* All communication engaged in by limited coast stations and marine-utility stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

§ 7.365 *Frequencies below 3000 kc for business, operational and safety purposes.* As an exceptional matter, the frequencies 2738 kc, 2830 kc and 2214 kc are available for assignment on a shared basis to limited coast stations for transmission and reception on the same radio-channel by telephony (amplitude modulation) with ship stations solely when such communication is necessary to serve an important business or operational need of one or more commercial transport vessels or government vessels. For this purpose, these frequencies may not be assigned and may not be used in any instance in which:

(a) The desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

(b) The facilities of public coast stations may provide the desired radio communication.

(c) Harmful interference would be caused to the service of any United States Government station by the use of the frequency 2214 kc.

(d) Harmful interference would be caused to the intership use of the frequencies 2738 kc and 2830 kc as prescribed in § 8.358 of this chapter.

(e) The plate input power exceeds the plate input power used by ship stations for intership communication as prescribed by § 8.134 (c) of this chapter.

NOTE: For this purpose the frequencies 2738 kc and 2830 kc may be assigned only in those areas where they are available for intership use.

§ 7.366 *Availability of 2182 kc for limited coast stations.* (a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile serv-

ice. It may be used by limited coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal, and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working conditions on this frequency.

(b) When using this frequency for other than distress traffic and urgency and safety signals and messages, the mean<sup>1</sup> antenna power of the unmodulated carrier wave shall not exceed 100 watts.

§ 7.367 *Procedure in testing.* (a) Limited coast stations and marine-utility stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test" shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait" testing shall be suspended. When, after an appropriate interval of time, such announcement

<sup>1</sup> The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation. (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.) See Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947,

is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, \* \* \* etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15 minute period.

§ 7.368 *General radiotelephone operating procedure—(a) Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations may use authorized classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each limited coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio-channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter has transmitted the call sign or name of the particular shore station with which it desires to communicate.

(6) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called



station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, land stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

§ 7.369 *Station documents.* (a) Limited coast stations using telephony shall be provided with and have readily available to the responsible operator (except as otherwise permitted by §§ 7.102 and 7.155) during their hours of service, the following documents:

(1) A valid station license available in accordance with § 7.102;

(2) The necessary operator license or licenses available in accordance with § 7.155;

(3) The station log required by this part for stations of this category.

(4) Parts 7 and 8 of this chapter.

§ 7.370 *Station records.* (a) Limited coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in local standard time (EST, CST, etc.) counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "e. s. t." "c. s. t." etc., shall be marked at the head of the column in which the time is entered.

(4) With respect to limited coast stations, which, by reason of the provisions of Subpart G of this part, are

required to maintain a watch on the radio-channel above 100 Mc designated for calling (assigned frequency 156.3 Mc<sup>3</sup>) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(7) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(8) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(9) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(10) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by

<sup>3</sup>Pending further development of the use of very high frequencies, no watch is required to be maintained by limited coast stations or marine utility stations on shore under the existing provisions of Subpart G of this part.

reason of applicable provisions of Subpart G of this part.

(b) Marine-utility stations on shore shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include notation of the geographic area(s) in which the station is operated; the date and local standard time of operation of the station; official call sign of the marine-utility station, the name and signature of the licensed operator (or other person in accordance with Subpart F of this part) who is responsible for operation of the marine-utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

§ 7.371 *Use of United States Government frequencies for telephony.* Frequencies assignable to government radio stations are assignable to non-Government limited coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

#### SUBPART K—STATIONS ON LAND IN THE MARITIME RADIOLOCATION SERVICE

§ 7.401 *Limitation on station authorizations.* Pending further development of the use and operation of stations on land in the maritime radiolocation service, and until the requirements of this service have been more completely determined, only developmental station authorizations will be granted, subject to the applicable provisions of Subpart M of this part (including supplemental eligibility requirements) and in accordance with the following sections of this subpart.

§ 7.402 *Assignable frequencies.* (a) The following frequency-bands are authorized for use by shore radionavigation stations (including shore-radar stations) in the maritime radionavigation service; the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than shore radar stations, the classes of emission, the frequency tolerance, and the bandwidth occupied by the emission may be designated in each station authorization:

3000 Mc to 3246 Mc  
5400 Mc to 5950 Mc  
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by shore radio-



location stations in the maritime radio-location service; the class of emission; the frequency tolerance; the bandwidth occupied by the emission; and the maximum power may be designated in each station authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2)

3000 Mc to 3246 Mc  
5460 Mc to 5650 Mc  
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

#### § 7.403 *Special conditions imposed.*

(a) An authorization granted for the construction and/or operation of a shore radionavigation station shall be subject to the express condition that in so far as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, United States Coast Guard, as provided in section 759, Title 33, U. S. Code.

(b) Upon the grant of an authorization for the construction and/or operation of a shore radionavigation station, the Commission will forward to the Commandant, U. S. Coast Guard, Washington, D. C., notification thereof together with a copy of the authorization.

### SUBPART I—FIXED STATIONS ASSOCIATED WITH THE MARITIME MOBILE SERVICE

#### MARINE FIXED STATIONS

§ 7.451 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any person who is engaged in:

(1) Prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested; or

(2) An activity in the immediate vicinity of the marine fixed station requested which is necessary to a construction project of a public character.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records

which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

§ 7.452 *Points of communication.* Marine fixed stations are authorized to communicate by means of telephony solely with class II public coast stations in the United States when these stations render a communication service of telephony in direct connection with the general public service land-line telephone system, provided the marine fixed station, in each instance, is located not more than 300 statute miles from each coast station of this class with which it communicates.

§ 7.453 *Showing of need.* Applicants for authority to establish and operate marine fixed stations must satisfy the Commission, through information contained in the application or as otherwise determined by the Commission, that a need for the desired communication exists primarily in respect to the safety of life or property, and that the use of any communication facility to satisfy such need, other than a marine fixed station, is impossible or impracticable for the purpose involved.

§ 7.454 *Assignable frequencies.* (a) Carrier frequencies within the band 2000 to 2450 kc, which are authorized by Part 8 of this chapter for use by public ship stations employing telephony for the transmission of public correspondence to public coast stations (normally providing direct connection with public service land-line telephone systems) are assignable to marine fixed stations for the same purpose; upon the condition that neither harmful interference nor intolerable delay is caused to communication between coast stations and mobile stations.

(b) In addition to the assignable frequencies designated in paragraph (a) of this section, the carrier frequency 2182 kc is assignable to marine fixed stations solely for use in transmitting, by means of telephony with an antenna power not exceeding 100 watts (when no modulation is present) distress calls and distress traffic, and urgency and safety signals and messages. The use of this radio-channel by marine fixed stations for ordinary calls and replies is prohibited.

§ 7.455 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.456 *Scope of communication.* Marine fixed stations shall be used primarily for safety communication, as defined in § 7.7 (a) *Provided, however* That other than safety communication may be carried on, by these stations, with discretion and to the extent required in behalf of the specific activities set forth in § 7.451. *Provided, That, in this respect* priority at all times shall be given to use of the assigned radio channel(s) for ship to shore transmission.

§ 7.457 *Station documents.* (a) Each marine fixed station shall be provided with the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by § 7.458.

(4) Parts 7 and 8 of this chapter.

§ 7.458 *Station records.* (a) Marine fixed stations shall maintain an accurate radiotelephone log during their hours of service as follows: all entries shall be made by the licensed operator on duty at the station, except as otherwise provided in subparagraph (2) of this paragraph:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(5) All test transmissions shall be entered, including the date, time, and purpose thereof.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation, e. s. t., c. s. t., etc., shall be marked at the head of the column in which time is entered.

§ 7.459 *Station identification.* For the purpose of station identification, the provisions of § 8.364 (a) of this chapter shall apply to marine fixed stations.

§ 7.460 *Procedure in testing.* For the purpose of conducting operational or maintenance tests, the provisions of § 8.365 (a) of this chapter shall apply to marine fixed stations.

§ 7.461 *Operating procedure.* In the use and operation of marine fixed sta-

tions, these stations shall be governed by the provisions of § 8.366 (a) and (h) of this chapter.

#### MARINE RECEIVER-TEST STATIONS

§ 7.471 *Eligibility requirements.* An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency-band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc.

§ 7.472 *Scope of service.* A marine receiver-test station shall be used solely for brief transmissions intended for interception by the regularly used radio-telephone receiving apparatus of an associated public coast station of the same station licensee; the purpose of such transmissions shall be limited to necessary determinations of the technical performance of such receiving apparatus. No other signals or communications shall be transmitted by marine receiver-test stations.

§ 7.473 *Assignable frequencies.* The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.356 of this chapter.

§ 7.474 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine receiver-test stations are set forth in Subpart E of this part.

§ 7.475 *Station identification.* The official call sign and the general geographic location of the marine receiver-test station shall be announced at the conclusion of each completed test transmission.

§ 7.476 *Operating limitations.* The station licensee shall exercise such control over the transmissions of a marine receiver-test station as is necessary to avoid interference to calls from ship stations and to the exchange of public correspondence between ship and shore. The maximum amount of transmission time permitted on any one radio-channel authorized for use by a particular marine receiver-test station in a region of heavy radio traffic on the involved radio-channel shall not exceed 24 minutes in each 24-hour period.

§ 7.477 *Station records.* (a) An accurate log shall be maintained with respect to the operation of each marine receiver-test station. The station licensee shall be responsible for compliance with this requirement. This log may be maintained and located at an authorized control point associated with the station.

(b) All log entries shall be made by the licensed operator responsible for operation of the station or by a person au-

thorized and directed by the station licensee to make such entries.

(c) The log shall be maintained and entries made therein as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever interference to other stations is reported to the station licensee or to the responsible operator, an entry shall be made by the latter to that effect, stating the source of the interference report and the station(s) to which interference has been caused, if known.

(5) All test transmissions shall be entered, including the date, time, duration of the transmission, the class of emission and particular radio-channel used.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures (from 00:00 to 24:00 beginning at midnight local standard time), additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation e. s. t., c. s. t., etc., shall be marked at the head of the column in which time is entered.

#### MARINE CONTROL STATIONS, MARINE REPEATER STATIONS AND MARINE RELAY STATIONS

§ 7.481 *Eligibility requirements.* Authorizations for marine control stations, marine repeater stations, and marine relay stations will be issued only to licensees of coast stations who have made a satisfactory showing of need therefor in relation to the particular coast station or stations of which they are the station licensee.

§ 7.482 *Showing of need.* Applicants for such authorization must show (a) that a need exists for a point-to-point

radio circuit for control, repeater, or marine relay purposes, (b) that telecommunication facilities other than a marine control, marine repeater, or marine relay station are not available, or if available would not provide effective results, and (c) that the service to be rendered through use of the marine control station, marine repeater, or marine relay station is necessary for, or will prove beneficial to, the service rendered by the associated coast station(s).

§ 7.483 *Points of communication.* (a) Marine control stations are authorized to transmit exclusively to the particular coast station whose operation or emission is being controlled by such transmissions.

(b) Marine repeater stations are authorized to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations are authorized to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 7.484 *Frequencies assignable.* (a) In any area in the continental United States, a maximum of four carrier frequencies assignable in accordance with Part 2 of this chapter within either or both of the bands 72.02 Mc to 74.58 Mc and 75.42 Mc to 75.98 Mc are available in the aggregate for use by marine control stations, marine repeater stations and marine relay stations on condition that harmful interference shall not be caused to:

(1) Reception by the general public of emissions from television stations on television channels 4 and 5;

(2) The service of existing and previously authorized marine control stations, marine repeater stations, or marine relay stations;

(3) The service of existing and previously authorized stations operating in any aviation service.

Pursuant to Part 2 of this chapter, assignable frequencies for this purpose are spaced 40 kc apart, beginning with the frequencies 72.02 Mc and 75.45 Mc and ending with the frequencies 74.58 Mc and 75.98 Mc, respectively. Should the Commission find that public interest, convenience, or necessity would be served thereby, licensees of marine control stations, marine repeater stations, and marine relay stations authorized to operate on one or more frequencies within these bands shall be required to share, on a coordinated non-interference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

(b) Assignment of the frequencies set forth in paragraph (a) is subject to the following conditions and restrictions:

(1) The applicant must agree to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his

attention by the Commission and that if said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(2) Vertical polarization must be used.

(3) Whenever it is proposed to locate a 72-76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units (as defined by the U. S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the TV antenna site are not to be counted) the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius from Fixed Station in 72-76 Mc Band to Interference Contour Along Which 10% of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5.

(4) Provided, however, that the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under subparagraph (3) above containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

(c) The frequency 27.255 Mc is available for use by marine control stations, marine repeater stations and marine relay stations on a shared basis with stations in other services and must accept any harmful interference from the operation of industrial, scientific and medical equipment in the frequency band 26.96 to 27.28 Mc.

§ 7.485 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.486 *Limitation on station authorizations.* Pending additional development of the use and operation of marine control, marine repeater, and marine relay stations, and until the necessary scope of service required to be rendered by these classes of stations has been more completely determined, such stations will be authorized exclusively on a developmental basis in accordance with the provisions of Subpart M of this part.

In addition to the provisions of this subpart, the relevant conditions and limitations set forth in Subpart M shall apply to these classes of stations.

#### SUBPART M—DEVELOPMENTAL STATIONS

§ 7.501 *Supplemental eligibility.* An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 7.502 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 7.503 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-bands designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands may be licensed as an assigned frequency or as authorized frequency-band, respectively, for use by develop-

mental stations subject to the applicable provisions of this part as follows:

Available for coast stations:

3,500-3,700 Mc

6,425-6,575 Mc

11,700-12,200 Mc

Available for coast stations and fixed stations:

26,000-30,000 Mc and

2,450-2,500 Mc

16,000-18,000 Mc

on condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment.

Available for operational fixed stations:

952-960 Mc

1,850-1,990 Mc

2,110-2,200 Mc

2,500-2,700 Mc

6,575-6,875 Mc

12,200-12,700 Mc

The class of emission, the frequency tolerance, the emission-bandwidth, and the maximum transmitter-power for use on the foregoing frequencies which are above 2,400 Mc shall be designated in each station authorization.

(c) In addition to the specific frequency bands designated by § 7.402 for shore radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental shore radionavigation stations:

<i>Authorized frequency band</i>	<i>Assigned frequency</i>
2900 to 3000 Mc.	
3246 to 3266 Mc-----	3256 Mc (Racons only).
3268 to 3300 Mc.	
5250 to 5440 Mc.	
5440 to 5460 Mc-----	5450 Mc (Racons only).
8500 to 9300 Mc.	
9300 to 9320 Mc-----	9310 Mc (Racons only).
9500 to 9800 Mc.	

§ 7.504 *Use of developmental stations.*

(a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE. Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 7.505 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional re-

quirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 7.506 *Report of operation required.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program if such need exists.

(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 7.507 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station shall be clearly identified in the manner provided for the corresponding established class of station.

(b) The facsimile emissions of a developmental station shall be identified either by telegraphy or by telephony as provided in paragraph (a) of this section.

(c) All other classes of emission of a developmental station shall be identified as prescribed in the respective station authorization.

#### SUBPART N—STATIONS OPERATED IN THE LAND MOBILE SERVICE FOR MARITIME PURPOSES

§ 7.521 *Eligibility for shipyard base stations.* Under the provisions of this part, a station authorization will not be issued solely for a shipyard base station in the land mobile service. Subject to the provisions of § 7.523 only a land station authorized to operate as a limited coast station in the maritime mobile service may be authorized, upon proper application therefor, to be used additionally, and on a secondary basis, as a shipyard base station in the land mobile service.

§ 7.522 *Eligibility for shipyard mobile stations.* Under the provisions of this part, a station license will not be issued solely for one or more shipyard mobile stations in the land mobile service. Subject to the provisions of §§ 7.524 and 7.525, authority to construct, or to use and operate, one or more shipyard mobile stations in the land mobile service may be granted, upon proper application therefor, exclusively to the licensee or

permittee of a limited coast station when that station is authorized to be used additionally and on a secondary basis as a shipyard base station in the land mobile service.

§ 7.523 *Showing precedent to shipyard base station authorization.* (a) Prior to a grant by the Commission of any shipyard base station authorization pursuant to the provisions of § 7.521, the applicant therefor must establish, in connection with each related application, that:

(1) Such applicant controls and operates a shipyard, in commerce, which is regularly engaged in the construction, change in construction, or repair of commercial transport vessels and/or Government vessels;

(2) Each limited coast station to be used additionally as a shipyard base station will be operated primarily as a coast station for communication with one or more commercial transport vessels operated and controlled by the applicant, which are used in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels by the shipyard to which reference is made in subparagraph (1) of this paragraph.

§ 7.524 *Showing precedent to shipyard mobile station authorization.* (a) Prior to a grant by the Commission of any shipyard mobile station authorization pursuant to the provisions of § 7.522, the applicant therefor must establish in connection with each related application, that each shipyard mobile unit on which a shipyard mobile station is to be installed and operated is:

(1) Controlled and operated by the applicant;

(2) To be used for the expeditious transportation of shipyard personnel, material, or supplies within the local geographic area to which reference is made in § 7.523 (a) (1) in connection with the construction, change in construction, or repair of commercial transport vessels or Government vessels by that shipyard.

§ 7.525 *Limitation on number of shipyard mobile stations.* (a) The number of shipyard mobile stations which may be authorized for each land station permittee or licensee pursuant to the provisions of §§ 7.522, and 7.524 shall be limited to a maximum of one shipyard mobile station for each three ship stations (for example, the licensee of up to and including 5 ship stations is entitled to one shipyard mobile station; the licensee of 6, 7, or 8 ship stations is entitled to two shipyard mobile stations, etc.) when each ship station included for this purpose is:

(1) Licensed in the name of the particular land station permittee or licensee;

(2) Located on board a commercial transport vessel operated and controlled by the particular land station permittee or licensee;

(3) Used for communication with one or more limited coast stations of the same station licensee, in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels.

§ 7.526 *Points of communication.* (a) Subject to the provisions of § 7.527, a land station, when operating as a shipyard base station, is authorized to communicate exclusively with shipyard mobile stations of the same licensee.

(b) Subject to the provisions of § 7.527, each shipyard mobile station is authorized to communicate exclusively with any land station of the same licensee which is licensed to operate as a shipyard base station.

§ 7.527 *Limitations on use.* (a) Communication between a land station, operating as a shipyard base station, and any shipyard mobile station may be transmitted only when:

(1) The involved facilities of the land station are not required at the same time for any maritime mobile service; and

(2) Both the land station and the shipyard mobile station are within a geographic area designated by the Commission in reference to those stations.

(b) Each shipyard mobile station shall be operated exclusively within the local geographic area specified in the applicable station authorization: *Provided*, That such stations shall not be operated in the immediate vicinity of any transmitting or receiving radio installation of any land station (other than a land station of the same licensee) or any U. S. Government station, which transmits or receives on any radio-channel(s) above 100 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s) that interference is not caused by such operation to the service of the land station or Government station concerned.

(c) Under no circumstances shall the operation of a shipyard mobile station or a land station being used as a shipyard base station interfere with any maritime mobile service.

§ 7.528 *Scope of communication.*

(a) Each land station, when operating as a shipyard base station, and each shipyard mobile station is authorized to transmit:

(1) Communication concerning the use of shipyard mobile units for expediting the construction, change in construction, repair, servicing, or maintenance of commercial transport vessels or government vessels by the shipyard which controls and operates such mobile units;

(2) In an emergency, communication concerning the immediate safety of life or property when the use of other communication facilities might be less effective.

(b) Transmission of any other class of communication by shipyard base stations or shipyard mobile stations is not authorized.

§ 7.529 *Assignable frequencies.* (a) Provided one of the following designated carrier frequencies is authorized for use by a particular limited coast station in the maritime mobile service in accordance with the applicable provisions of Subpart J of this part, such carrier frequency may be authorized for additional use by that land station for operation (on a secondary basis in reference to maritime mobile service) as a shipyard

base station in a supplemental land mobile service:

(1) For use by stations in any area: 156.5 Mc.

(2) For use by stations in any area except the Great Lakes area. 156.4 Mc.

(3) For use by stations located more than 100 miles from the Great Lakes, the Mississippi River or any tributary thereof, and the Gulf of Mexico intra-coastal waterway. 157.0 Mc.

(b) The carrier frequency which may be authorized for use (on a secondary basis in reference to maritime mobile service) by one or more shipyard mobile stations is the same as that authorized, in accordance with the provisions of paragraph (a) of this section, for use by a land station of the same permittee or licensee with which such mobile stations are to communicate: *Provided*, That the same carrier frequency is licensed also for use by ship stations of that permittee or licensee which regularly communicate with that land station.

**§ 7.530 Technical requirements.** The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for shipyard base stations and shipyard mobile stations shall be the same as is designated for coast stations in Subpart E of this part.

**§ 7.531 Cooperative use of facilities.** If, in a particular geographic area, the use and operation of shipyard mobile stations and shipyard base stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this part relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary land mobile service within the affected area by a single station licensee.

**§ 7.532 General operating procedure.** (a) All communication engaged in by shipyard base and mobile stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

(b) Each licensee of shipyard mobile stations shall exercise such control over the transmissions of those stations as is necessary to avoid interference to calls from ship stations which may be transmitted on the radio-channel used by the shipyard mobile stations.

(c) Calling a particular station, either by voice or by other means, shall not continue for a period of more than 30 seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, these time limitations shall not apply.

(d) Shipyard base stations may use authorized classes of emission for the selective calling of shipyard mobile sta-

tions on each radio-channel authorized for communication between such base and mobile stations.

**§ 7.533 Identification of stations.**

(a) All emissions of a shipyard base station shall be clearly identified by voice transmission therefrom in the English language of either (1) the official call sign assigned to that station (the official call sign assigned to the same station as a coast station in accordance with § 7.72) by the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission; if the licensee operates more than one shipyard base station within mutual interference range, the name of the licensee shall be followed by a digit indicating distinctly the respective land station, as formally reported to the Commission.

(b) All emissions of a shipyard mobile station shall be clearly identified by voice transmission in the English language of either (1) the single official call sign assigned by the Commission to the shipyard mobile station(s) of that licensee in the particular geographic area, followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission.

(c) Identification of stations as prescribed in this section shall be made:

(1) Whenever another station is called;

(2) Upon completion of each communication with any other station;

(3) At the beginning and upon completion of each transmission made for any other purpose.

**§ 7.534 Procedure in testing.** With respect to test transmission, the provisions of § 7.367 which apply to limited coast stations and marine-utility stations shall apply also to shipyard base stations and shipyard mobile stations: *Provided*, That the term "licensed radio operation" as used in paragraph (a) (1) of that section shall, with respect to test operation of shipyard mobile stations pursuant to this section, be construed in each instance to mean the operator licensee on duty at the control point of the associated shipyard base station as provided in § 7.156 (a) (1)

**§ 7.535 Station documents.** (a) With respect to documents required to be available at a shipyard base station, the provisions of § 7.369 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(b) Each shipyard mobile station shall be provided with the following documents during its hours of service:

(1) A valid station authorization, available in accordance with § 7.102.

(2) The necessary operator license or licenses, available in accordance with § 7.155 (this requirement is not applica-

ble when the station is operated under the provision of § 7.156)

**§ 7.536 Station records.** (a) (1) With respect to station records required to be maintained by a shipyard base station, the provisions of § 7.370 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(2) Each licensee of a land station operated as a shipyard base station shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of that station and the associated shipyard mobile station(s) in the land mobile service in relation to the maritime mobile service for which the same land station is licensed.

(b) Unless otherwise determined by the Commission subsequent to pertinent developments in the use and operation of shipyard mobile stations, no station records need be maintained by those stations upon the express condition that (1) such station records as are required by other applicable sections of this part (including §§ 7.109, 7.110, and 7.111) are maintained as part of the required records of the associated shipyard base station, and (2) the records of the latter station with respect to the log entries required by § 7.370 (a) (7), (8) and (9) shall include the specified information concerning the involved shipyard mobile station(s)

**SUBPART O—VIOLATIONS**

**§ 7.551 Answers to notice of violation.** Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such three-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

**§ 7.552 Reports of infringements of the International Radio Regulations.** In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in the International Radio Regulations.



## SUBPART P—APPENDICES—Continued

Radio district	Address of the engineer in charge	States	Territory within district—	Counties
10	P O Box 5239, 600 U. S. Terminal Annex Bldg., Dallas 22, Tex.	Oklahoma		All counties
11	539 U. S. Post Office and Court House Bldg., Templeton Spring Sts., Los Angeles 12, Calif.	Texas		All counties
	Suboffice: No. 16-O U. S. Customs House, Union and F Sts., San Diego 1, Calif.	California		Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura
12	323-A Customhouse, San Francisco 90, Calif.	Nevada		All except District 11
13	423 N. W. U. S. Courthouse, 620 Northwest Main St. Portland 4, Oreg.	California		All except District 14
14	802 Federal Office Bldg., Seattle 4, Wash.	Nevada		All counties
15	621 New Customhouse, Denver 2, Colo.	Oregon		Washington
16		Idaho		Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone
17		Montana		All counties
18		Washington		All except District 13
19		Utah		All counties
20		Wyoming		Do
21		Nebraska		Do
22		South Dakota		Banner, Box, Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux
23		New Mexico		Butte, Custer, Fall River, Lawrence, McAdo, Pennington, Shannon, and Washington
24		Michigan		All counties
25		Michigan		Alcona, Benzie, Chippewa, Delta, Dickinson, Emmet, Houghton, Iron, Keweenaw, Leelanau, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft
26		South Dakota		All counties except District 12
27		North Dakota		All counties
28		Iowa		All counties except District 18
29		Kansas		All counties
30		Missouri		Do
31		Nebraska		All counties except District 12
32		Illinois		Do
33		Iowa		All counties
34		Wisconsin		All counties
35		Kentucky		All counties
36		Ohio		All counties
37		Michigan		All counties except District 10
38		West Virginia		All counties except District 4
39		New York		All except District 2
40		Pennsylvania		All except District 3

## SUBPART P—APPENDICES

## § 7.601 Appendix I—Location of Engineering Field Offices and Monitoring Stations

(a.) Radio districts and addresses of engineers in charge thereof:

Radio district	Address of the engineer in charge	States	Territory within district—	Counties
1	1000 Customhouse, Boston 9, Mass.	Connecticut		All counties
2	748 Federal Bldg., 641 Washington St., New York 14 N Y	Maine		Do
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Massachusetts		Do
4	600 McCawley Bldg., 400 East Lombard St., Baltimore 2, Md.	New Hampshire		Do
5		Rhode Island		Do
6		Vermont		Do
7		New Jersey		Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren
8		New York		Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester
9		Delaware		New Castle
10		New Jersey		Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem
11		Pennsylvania		Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York
12		Delaware		Kent and Sussex
13		Maryland		All except District 24
14		Virginia		Charles, Fairfax, all except District 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren
15		West Virginia		Barbour, Boone, Grant, Hampshire, Hardy, Hancock, Harrison, Lincoln, Mingo, Mineral, Monongalia, Morgan, Putnam, Raleigh, Tucker, and Upshur
16		North Carolina		All except District 4
17		Virginia		All except District 4
18		Alabama		All counties
19		Georgia		Adair, Avery, Bullock, Burke, Calhoun, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancy
20		North Carolina		All counties
21		South Carolina		Do
22		Tennessee		All except District 8
23		Florida		Do
24		Alabama		Baldwin and Mobile
25		Arkansas		All counties
26		Florida		Escambia
27		Louisiana		All counties
28		Mississippi		Do
29		Texas		City of Texas only
30		do		Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hill, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kerr, Kimble, Kinney, Koster, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Matamoros, Maverick, McMullen, Medina, Menard, Milam, Mitchell, Montague, Morris, Motlow, Newton, Nueces, Oahu, Ochs, Oldham, Orange, Oriskany, Palo Pinto, Parker, Pecos, Polk, Randall, Reagan, Real, Reeves, Roberts, Rockwall, Runnels, Saint Louis, San Antonio, San Diego, San Saba, Tarrant, Taylor, Terrell, Tarrant, Webb, Wharton, Wilbarger, Williamson, Wilson, Zavala, and Taylor

## RULES AND REGULATIONS

## SUBPART P—APPENDICES—Continued

Radio district	Address of the engineer in charge	Territory within district—	
		States	Counties
21	502 Federal Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands, Puerto Rico, Virgin Islands, Alaska.	
22	P. O. Box 2087, 322-323 Federal Bldg., San Juan 13, P. R.		
23	P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska. Suboffice: P. O. Box 1421, 7-8, Shattuck Bldg., Juneau, Alaska.		
24	Federal Communications Commission, Washington 25, D. C.	District of Columbia. Maryland. Virginia.	Within 10 miles of D. C. boundary. Do.

(b) The offices of the regional managers of the Field Engineering and Monitoring Bureau are located at the following addresses:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, 20, and 24.  
Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13, 14, and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, 18, and 19.

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 458, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H. (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2310 Northeast 148 Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine; main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

[F. R. Doc. 55-7491; Filed, Sept. 15, 1955; 8:45 a. m.]

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### REVISION OF PART

In the matter of revision of Part 8 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately;

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

It is ordered, This 18th day of July 1955, that effective August 1, 1955, Part 8—Stations on Shipboard in the Maritime Services, is revised to include the editorial changes herein and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

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**AUTHORITY:** §§ 8.1 to 8.803 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 8.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio

spectrum may be made available for radiocommunication and radiolocation for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installation on board ships for safety purposes, the details as to location, manner of installation, use and availability, of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress. For the purposes of this part, the definitions set forth in Subpart A shall be applicable. (For other definitions, refer to Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Part 7, Stations On Land In The Maritime Services; and Part 14, Public Fixed Stations and Stations of the Maritime Services In Alaska.

#### SUBPART A—DEFINITION OF TERMS

§ 8.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.

(b) *Statutes and international agreements*—(1) *Communications Act.* The Communications Act of 1934, as amended.

(2) [Reserved.]

(3) *Safety Convention.* The International Convention for the Safety of Life at Sea, 1948, including the Regulations annexed thereto.

(4) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(5) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1" "Region 2" and "Region 3" in Article 5, paragraph 3, of the Radio Regulations of Atlantic City, 1947.

(6) *Great Lakes Agreement.* "Great Lakes Agreement" means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio and the regulations referred to therein.

**NOTE:** This Agreement, made by and between the Governments of the United States and Canada, is effective beginning November 13, 1964.

(c) *Telecommunications.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the

disposal of the public, must accept for transmission.

(f) *Station*. A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s) including the accessory equipment required for carrying on a definite radiocommunication service.

(g) *Station authorization*. Any valid station license or special temporary authority for use of a station, issued by the Commission.

(h) *Person*. An individual, partnership, association, joint stock company, trust, or corporation.

(i) *Station licensee*. The holder of a valid station license.

(j) *Operator licensee*. The holder of a valid license or permit for the actual operation of a licensed station.

(k) *Hours of service*. The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(l) *Day*. (1) Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to the provisions of section 353, subsection (c) of the Communications Act or the radio provisions of the Safety Convention, such use of the word "day" shall be construed to mean the calendar day, from midnight to midnight, local ship's time.

(m) *Radio district*. A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer in charge whose official address and the specific area of inspection associated therewith are designated by Appendix I of this part.

(n) *Ship or vessel*. "Ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(o) *Categories of ships*. (1) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the provisions of Part II of Title III of the Communications Act, such use of the term shall be construed as follows: A ship is a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers. A cargo ship is any ship not a passenger ship.

(2) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the radio provisions of the Safety Convention or in reference to frequency assignment, such use of the term shall be construed as follows: A ship is a passenger ship if it carries more than twelve passengers. A cargo ship is any ship not a passenger ship.

(3) A "commercial transport vessel" is any ship or vessel which is used primarily in commerce (i) for transporting persons

or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(4) The term "passenger carrying vessel" as used in this part solely in reference to requirements of the Great Lakes Agreement, means any vessel transporting persons for hire.

(p) *Safety Convention Certificates*—(1) *Exemption Certificate*. A certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.

(2) *Safety Certificate*. A certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention.

(3) *Safety Radiotelegraphy Certificate*. A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

(4) *Safety radiotelephony certificate*. A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.

(q) *Installed*. As used in this part with respect to the requirements of radio apparatus authorized under the provisions of this part for use on board ship or in stations subject to this part, the term "installed" means installed on board the particular ship or in the particular station to which the pertinent rule or regulation, involving the use of this term, is applied.

(r) *Great Lakes*. This term, as used in this part solely in reference to the Great Lakes Agreement, means all of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but shall not include tributary rivers which are not also connecting rivers, and shall not include the Niagara River (including the Black Rock Canal).

(s) *Destination*. In reference to the Great Lakes Agreement this term means a port which a vessel enters for the purpose of initiating or completing the specific activity which characterizes the vessel. For example, with respect to vessels carrying passengers or goods, a port at which a vessel, either partially or completely, loads or unloads passengers or goods, would constitute its destination.

§ 8.3 *Maritime mobile service*—(a) *Mobile service*. A service of radio-communication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service*. A mobile service between ship stations and coast stations, or between ship stations. (Air-

craft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

(c) *Mobile station*. A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Ship station*. A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

(e) *Public ship station*. (1) A ship station open to public correspondence.

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service for telegraphy as designated herewith:

*First Class*. These stations carry on a continuous service of public correspondence.

*Second Class*. These stations carry on a designated service of public correspondence of prescribed but limited duration; at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with these Regulations.

*Third Class*. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the Second Class, or is not prescribed but is determined by the master of vessel pursuant to his authority under section 353 of the Communications Act.

(f) *Limited ship station*. A ship station not open to public correspondence.

(g) *Marine-utility ship station*. A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(h) *Marine-utility coast station*. A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(i) *Marine-utility station*. A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations, and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (g) and (h) of this section, at the time it is being operated.

§ 8.4 *Maritime radiolocation service*—

(a) *Radiolocation*. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service*. A service involving the use of radio location.

(c) *Maritime radiolocation service*. A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station*. A station in the radiolocation service.

(e) *Radiolocation mobile station*. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(f) *Ship-radiolocation station*. A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(g) *Radionavigation*. Radiolocation intended solely for the determination of



position or direction or for obstruction warning, in navigation.

(h) *Radionavigation service.* A radionavigation service involving the use of radionavigation.

(i) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(j) *Radionavigation station.* A station in the radionavigation service.

(k) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(l) *Ship-radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(m) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or re-transmitting properties of objects in order to determine their positions.

(n) *Primary radar.* Radar using reflection only.

(o) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(p) *Ship-radar station.* A ship-radionavigation station utilizing radar for the purpose of detecting above-water objects, with a determination of their direction and distance from the ship.

NOTE: Where reference is made, in official documents issued by the Commission prior to the effective date of this section, to ship-radar stations in the "ship service" the term "ship service" shall be construed, with respect to such stations, to mean "maritime radionavigation service."

(q) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emissions.

(r) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(s) *Direction-finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

(t) *Direction-finder receiver.* A radio receiver which is a component of a radio direction finder.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

(v) *Ship radiolocation-test station.* A ship-radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing, and/or maintenance.

§ 8.5 *Developmental Maritime stations on board ship—(a) Developmental mobile station.* A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been

specifically allocated the authorized frequency (or frequencies) of the developmental mobile station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Specific classification.* The specific classes of developmental stations on board ships in the maritime mobile service and in the maritime radiolocation service (including maritime radionavigation service) are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)" for example, "limited ship station (developmental)"

§ 8.6 *Operational—(a) Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with law.

(d) *Distress signal.* (1) The distress signal is the international radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots" transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "MAYDAY" pronounced as the French expression "m'aider"

NOTE: In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices

giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT" sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three repetitions of the French word "securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver:

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

§ 8.7 *Technical—(a) Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Carrier frequency.* The frequency of the carrier. (For the definition of "carrier", see § 2.1 of this subchapter.)

(j) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(k) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted by applicable regulations, or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency)

(l) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(m) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency-band.

(n) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(o) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power. (This definition coincides with the definition of "Bandwidth Occupied by an Emission" which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.)

(p) *Interference guard bands.* The two frequency-bands additional to, and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(q) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(r) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(s) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission. (This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.)

(t) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth in relation to the authorized carrier frequency,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist) or

(3) The authorized frequency-band (when a carrier does not exist).

(u) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(v) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(w) *Percentage modulation.* The modulation factor expressed in percent.

(x) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(y) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(z) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(aa) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(bb) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(cc) *Antenna (aerial).* A means of radiating or intercepting Hertzian waves.

(dd) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(ee) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(ff) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(gg) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(hh) *Radiated power.* Energy in the form of Hertzian waves, radiated from an antenna.

(ii) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or, in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(jj) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(kk) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in § 2.6 (j) such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

(ll) *Energize.* The term "energize" as applied in this part to transmitters, receivers, and other component equipment of ship radio installations required for safety purposes, means to supply with power as necessary to provide normal and effective operation of such equipment.

§ 2.8 *Installation for safety communication—*(a) *Main antenna.* An antenna installed in a fixed position on board a ship, and regularly available for use in connection with a main installation on the same ship.

(b) *Main radio transmitter.* A radio transmitter regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(c) *Main radio receiver*. A radio receiver regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(d) *Main power supply*. A normally available source of power on board a ship capable of simultaneously energizing all other components of the main installation.

(e) *Main installation*. A radio installation on board a ship including a main antenna, a main transmitter, a main receiver, and a main power supply capable of being used for safety communication with other stations in the maritime mobile service.

(f) *Emergency antenna*. An antenna installed in a fixed position on board a ship, and immediately available for use in connection with (1) an emergency or reserve installation on the same ship, or (2) a main installation on the same ship (if a cargo ship) which complies also with all the requirements of an emergency or reserve installation.

(g) *Emergency radio transmitter*. A radio transmitter immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(h) *Emergency radio receiver*. A radio receiver immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(i) *Emergency power supply*. An immediately available source or sources of power on board a ship, capable of simultaneously energizing, independently of the propelling power of the ship and any other electrical system, all other components of the emergency or reserve installation.

(j) *Emergency or reserve installation*. A radio installation on board a ship; including an emergency antenna, an emergency radio transmitter, an emergency radio receiver, emergency electric lights, and an emergency power supply capable of being used when energized solely by its emergency power supply, for safety communication with other stations in the maritime mobile service.

(k) *Automatic alarm receiver*. A complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations.

(l) *Auto-alarm*. An automatic alarm receiver approved as specified by the provisions of section 3 (x) of the Communications Act.

(m) *Automatic alarm-signal keying device*. A device capable of automatically keying a radiotelegraph transmitter so as to transmit the international automatic-alarm signal, as this signal is specified by the International Radio Regulations.

(n) The term "radiotelephone installation" as used in this part solely in reference to requirements of the Great Lakes Agreement, means a ship station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose

of quickly establishing and effectively carrying on, primarily in time of emergency or distress, radiotelephone communication on the radio-channel of which the authorized carrier frequency is either 2182 kc or 2003 kc; each of these carrier frequencies being readily available for use at all times. Nothing contained in this paragraph shall be construed either to require or to prohibit the availability of other radio-channels by use of this same "radiotelephone installation" for any class of emission or communication authorized by this part on such other radio-channels.

(o) *Existing installation*. The term "existing installation" as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to August 13, 1955, in the case of other ships subject to Part II of Title III of said act.

(p) *New installation*. The term "new installation" as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and in the case of other ships subject to Part II of Title III of said act, one which is installed subsequent to August 13, 1955.

#### SUBPART B—APPLICATIONS

§ 8.21 *Authorization required for operation of a radio station*. Radio stations required by the Communications Act to be licensed shall not be operated in the maritime mobile service or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements as set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18 of this chapter, Industrial, Scientific and Medical Service.

§ 8.22 *Administrative classification of stations*. (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

- (i) First class;
- (ii) Second class;
- (iii) Third class;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

(3) Limited ship stations;

(4) Marine-utility stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by § 8.3 (e)), it is licensed as a public ship station, if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with paragraph (a) (1) of this section.

(e) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations.

(f) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station, normally as designated below:

(1) Ship radionavigation stations.

(2) Ship radar stations.

§ 8.23 *Statutory eligibility for station license*. Section 310 of the Communications Act places the following express limitations on the granting and holding of station licenses:

(a) A station license shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that

the public interest will be served by the refusal or revocation of such license.

(8) Nothing in subparagraphs (1) through (7) of this paragraph shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

§ 8.24 *Application precedent to authorization.* (a) Except as otherwise provided by §§ 8.26, 8.41, and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form first is filed with the Commission at its offices in Washington 25, D. C., or pursuant to § 8.35 at a Field Engineering Office of the Commission.

(b) Except as otherwise provided by §§ 8.35, 8.41, and 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date.

(c) Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

NOTE: Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C., or from any of its field offices.

§ 8.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need to be signed and verified; copies may be conformed.

§ 8.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.27 *Defective applications.* (a) An application which is not made in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive or petition to amend the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request or petition shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application in written form is considered to be incomplete or defective, the Secretary of the Commission or, in the case of an application for regular ship station license or modification of license filed at a Field Engineering Office of the Commission accompanied by a request for interim ship station license, either the Secretary of the Commission or the Engineer-in-Charge of the particular Engineering Field Office, will return it to the applicant unless the Commission should otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections may be suggested.

§ 8.28 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.29 *Partial grant of application.* Whenever the Commission, without a hearing grants an application (other than a grant of an interim ship station license) in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for

hearing in the same manner as other applications are set for hearing.

§ 8.30 *Request for amendment or waiver of rules.* (a) Any provisions of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radio-location service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s) and shall set forth the reason(s) in support of the petition.

(b) Any provision of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 8.31 *Applications concerning marine-utility stations.* Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of Part 7 of this subchapter and an application for construction permit to establish such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

§ 8.32 *Application for station license.* (a) In accordance with § 8.24 application for station license to authorize the use and operation of radio transmitting apparatus on board ship shall be submitted on the appropriate Federal Communications Commission form as prescribed in § 8.36.

(b) Each application for a public ship station license which requests authority to employ telegraphy for public correspondence shall designate the class of station desired to be authorized, in accordance with the terms of § 8.3 (e)

§ 8.33 *Changes during license term.* When, during the term of a station license (other than an interim ship station license) any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license and/or any supplemental instrument of authorization, application for modification of license on the appropriate FCC form as prescribed in § 8.36

shall, except as otherwise provided by §§ 8.35, 8.41 and 8.42, be submitted in accordance with § 8.24 not less than 60 days prior to the date contemplated for such modification of license in order that action therein may be taken by that date.

§ 8.34 *Renewal of license.* Except as otherwise provided by § 8.42, application for renewal of station license shall be submitted on FCC Form 405-A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 8.35 *Request for interim ship station license.* (a) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license) to authorize the use of telephony on board a vessel not required by any statute or international agreement to be fitted with a radiotelephone installation, when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission.

(b) Such application as prescribed in paragraph (a) of this section may be filed, without regard to the filing time specified in § 8.24 (b) and 8.33 whenever need arises for necessary authority to use a ship station for telephony under the limitations of an interim ship station license on board any vessel (not required by any statute or international agreement to be fitted with a radiotelephone installation) pending action by the Commission at Washington, D. C., on the related formal application for regular license or modification of license.

(c) In the event the use of a ship station under the limitations of an interim license would not meet the requirements of an applicant or when an application for renewal of station license is involved, the applicant may, subject to and in accordance with the conditions set forth in § 8.41 or 8.42, whichever is applicable, apply to the Commission at Washington, D. C., for special temporary station authorization or for license or modification or renewal of license in an emergency.

§ 8.36 *Application forms for station authorizations.* (a) The forms hereinafter designated in this section shall be used for filing formal applications for station authorizations:

(1) For new or modified license for all radio transmitting apparatus on board ship:

FCC Form 501.

except that an optional form may be used as follows where no separate FCC Form 501 is filed for other apparatus by the same applicant:

For radiotelephone license to use frequencies solely in the bands 1600-3600 kc, 30-40 Mc and 152-162 Mc: FCC Form 501 or FCC Form 501-A (short form).

(2) For renewal (without modification) of any license for radio station aboard ship:

FCC Form 405-A.

§ 8.37 *Application for consent to voluntary assignment or transfer of control of station license.* (a) Application for consent to voluntary assignment of a license (other than an interim ship station license) covering any class of station governed by this part, or for consent to voluntary transfer of control of a corporation holding such license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License" or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may be, at least 60 days prior to the contemplated effective date of assignment or transfer of control in order that action thereon may be taken by that date.

(b) In the case of stations on board ship licensed to operate in any service governed by this part, involuntary assignment of licenses will not be made. Upon the death or legal disability of the licensee, such licenses shall be surrendered for cancellation.

§ 8.38 *Applications filed concurrently.* Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(a) Applications for modification of station license and for renewal of station license;

(b) Applications for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(c) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

§ 8.39 *One application for plurality of stations.* (a) One application may be filed for several station authorizations to cover similar stations on board different ships: *Provided*, The following elements are the same for all stations covered by such application:

(1) Nature of application (license, modification of license, or special temporary authority),

(2) Applicant;

(3) Licensee (when request is for modification or renewal),

(4) Nature of service and class of station as set forth in § 8.22;

(b) Paragraph (a) of this section shall apply only when the individual stations covered by such application are clearly identified therein and properly related to the information supplied which is applicable to the respective authorization requested for each station.

§ 8.40 *Application for station of portable nature (other than marine-utility station).* (a) Upon application as appropriate under §§ 8.26, 8.36, 8.41 or 8.42 including a supplemental statement as

prescribed in subparagraphs (1) and (2) of this paragraph, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiolocation service which is readily portable for use as the occasion requires on board a ship or ships of the United States: *Provided*, The applicant makes a satisfactory showing that:

(1) The station will be operated as an established class of station on board ship in conformity with all applicable rules of the Commission, and

(2) Unusual circumstances exist whereby a station license to cover such operation is necessary to eliminate the necessity of frequently filing applications for special temporary authority, licenses, or modifications of license in order to permit on short notice the temporary operation of specified apparatus on board a designated ship or ships of the United States.

§ 8.41 *Application for special temporary station authorization.* (a) Application for special temporary authority in lieu of or supplemental to normal form of station license for use and operation of radio transmitting apparatus on board ship in the maritime mobile service or the maritime radiolocation service, not involving an emergency found by the Commission, shall be limited to circumstances in which need exists for temporary use, for a limited period of time, of:

(1) Radio transmitting apparatus not currently authorized for the desired operation, or

(2) An authorized station in a manner or at times not permitted by the current station authorization.

(b) In accordance with paragraph (a) of this section written application for special temporary authority for the use and operation of radio transmitting apparatus on board ship may be filed informally as prescribed by § 8.26, except that such application shall be filed not less than 10 days prior to the earliest date of proposed operation unless an acceptable reason for failure to meet this time limitation is included in the application or is otherwise evident to the Commission.

(c) (1) Each application for special temporary authority submitted under the provisions of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Official call letters of any valid station authorization or construction permit already held by applicant, and the related station location;

(iv) Name and type of ship;

(v) Official registry number of ship, if available;

(vi) Official call letters or radio call sign, if any, assigned to ship;

(vii) Explanation of need for special temporary authority in lieu of normal form of station license;

(viii) Class of station and nature of service desired;



(ix) Complete particulars concerning purpose and nature of proposed operation;

(x) Specific station(s) or class of station(s) whichever is appropriate, with which communication is intended;

(xi) Frequency assignment, authorized transmitter power, and authorized class or classes of emission desired;

(xii) Equipment to be used, specifying the manufacturer, model number, rated power, and frequency stability to be maintained;

(xiii) The date(s) and time(s) of the proposed operation.

(2) Each application for special temporary authority submitted under the provisions of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter.

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship requirements of section 310 of the Communications Act.

§ 8.42 *Application for license or modification or renewal of license in an emergency.* (a) In cases of emergency involving danger to life or property or due to damage to equipment wherein the grant of an interim ship station license as provided by § 8.35 is not possible under the provisions thereof or wherein such grant would not satisfy the requirements of the emergency, applications for a station license, or for modification or for renewal of a station license, to authorize certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiolocation service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed at any time by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the unverified request for the duration of such emergency. *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

NOTE: For example, an emergency is found by the Commission when the desired authorization is urgently needed for the use of shipboard radio apparatus for purposes of safety at sea, and circumstances beyond control of the applicant have prevented the filing of a written application, as normally prescribed by applicable provisions of this part, on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

(b) (1) Each application submitted under the provisions of paragraph (a) of

this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Name and type of ship;

(iv) Official registry number of ship, if available;

(v) Official call letters or radio call sign, if any, assigned to ship;

(vi) Class of station desired (not required for renewal, nor for modification unless class of station is to be modified)

(vii) Frequency assignment, authorized transmitter power(s), and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved),

(viii) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved)

(ix) Specific station(s) with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules),

(x) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section, including estimated duration of emergency.

(2) Each application for a station license submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter.

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

(c) As provided by and in accordance with the provisions of paragraphs (a) and (b) of this section in respect to applications for a station license or modification or renewal of a station license, applications also may be filed, in cases of emergency involving danger to life or property or due to damage to equipment, for a permit to be issued by cable, telegraph, or radio for the operation of a station on board a ship at sea, and in the event the Commission finds such an emergency exists such permit may be granted to be effective in lieu of a station license until such ship shall return to a port of the continental United States.

§ 8.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically di-

rects that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 8.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. Where an applicant fails to respond within a reasonable time to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 8.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

NOTE: §§ 8.46 to 8.49, inclusive, relate only to ship radio installations required by law for safety purposes.

§ 8.46 *Application for inspection.* Pursuant to section 360 (b) of the Communications Act, a ship of the United States which, by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is required to be fitted with a radio installation for safety purposes, shall, at least once in each 12-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radio installation. A formal application, FCC Form 801, "Application for Ship Radio Inspection", for such inspection shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s) shall be available at the ship at the time inspection is to be conducted. The application for such inspection shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster. In the case of passenger ships, such application shall be filed preferably at a time to provide for such inspection coincident with the annual inspection of the vessel by the United States Coast Guard.

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection" for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radio-

telephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

§ 8.48 *Extra compensation for overtime services by engineers in charge and radio engineers.* (a) Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the act or the Great Lakes Agreement at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

(1) The rates of extra compensation are payable in cases where the services of such engineers have been duly requested and they have reported for duty, even though no actual service may be performed.

(2) The extra compensation for overtime services is in addition to the regular compensation paid by the government in the case of engineers whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(3) Extra compensation for "waiting time" will not be allowed unless and until the engineer actually reports for duty.

(4) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between midnight and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately fol-

lowing the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as may be designated national holidays by the President or by Congress.

(5) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the said 8 hours provided that the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(6) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the established closing hour", one-half day's pay shall be one-half of the gross daily rate of pay each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2-hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the engineer to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from the established closing hour, even though such services may not actually begin until later, provided that the engineer rendering the service remained on duty after the established closing hour, in which case the time between the established closing hour, and the time of beginning the actual services shall be computed as waiting time. Where the performance of actual service is preceded by such a waiting time there should be an affirmative statement that the engineer was required to remain on duty between the established closing hour and the time of beginning the actual services.

(7) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(8) The same considerations shall apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(9) For any authorized services performed on Sundays and holidays, totaling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of

not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(10) When engineers are in travel status overtime shall apply the same as at official station. However, compensation for such overtime shall not include travel time.

(11) Assessments and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(12) An application on a form prescribed by the Commission shall be filed with the office being requested to furnish overtime services before such assignment can be made.

(13) Overtime services shall be billed to the steamship companies as soon as possible after the services have been performed and on collection voucher provided for that purpose. Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated receipt account.

(14) Protests against the exaction of extra compensation shall be forwarded to the Commission at Washington, D. C., and a copy thereof sent to the office which furnished the overtime services.

§ 8.49 *Application for exemption.* (a) In accordance with the provisions of section 352 (b) and (c) of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a cargo ship, the Commission issues an Exemption Certificate. Whenever exemption from such requirements is granted in behalf of a passenger ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

NOTE: A list of general exemptions is contained in § 8.804.

§ 8.50 *Application for exceptional authority to communicate with amateur stations.* Upon proper application, in-

cluding a supplemental statement as herein prescribed, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting a ship telegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of class A1 or A2 emission on authorized ship telegraph frequencies within the band 2000 kc to 25,000 kc, for the purpose of exchanging radiotelegraph communications directly with licensed amateur stations on land in accordance with the provisions of § 8.70: *Provided*, The applicant includes a supplemental statement satisfactorily showing that:

(a) Unusual circumstances during the contemplated voyage(s) are anticipated which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is used or is intended to be used;

(b) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction; and

(c) Transmission for this purpose will be conducted on a secondary basis so as to avoid interference to commercial message traffic and other authorized emissions of stations operating in the maritime radiolocation service.

§ 8.51 *Application for periodical survey (Great Lakes Agreement)*. For the purpose of obtaining the periodical survey (not less than once every twelve months) as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, a formal application, FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)" shall be filed with the Commission's Engineer in Charge at the radio district office nearest the desired place of survey at least 3 days prior to the date such survey is desired. The application for such survey shall be filed by the shipowner, the ship operating agency, the ship station licensee or the shipmaster.

§ 8.52 *Application for exemption (Great Lakes Agreement)*. In accordance with the provisions of Article 6 of the Great Lakes Agreement, application for exemption of individual vessels from the provisions of Articles 7, 8, and 9 may be made by submitting FCC Form 820-A "Application for Exemption (Great Lakes Agreement)" to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may consider an informal application which should include the full information normally furnished on FCC Form 820-A.

#### SUBPART C—STATION AUTHORIZATIONS

§ 8.61 *Authority for distress communication*. No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.

§ 8.62 *Changes in equipment of licensed station*. A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission: *Provided*, (a) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or ship master, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; and (c) a description of the change is incorporated in the next application for renewal or modification of license.

§ 8.63 *Effective license periods*. (a) Except as hereinafter provided in other paragraphs of this section, the period of time during which a license is valid for a station on board ship in the maritime mobile or maritime radiolocation service normally shall begin at 3:00 a. m. e. s. t., and normally shall be—

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewal license becomes effective.

(b) Unless otherwise directed by the Commission, each license, modification of license or renewal of license issued solely on the basis of an application filed in accordance with § 8.42 shall become effective at the time when granted by the Commission and shall expire at a time not beyond the period of the emergency found by the Commission as provided by that section; *Provided*, that each renewal license granted under the provisions of that section prior to expiration of the license which it will renew, shall become effective only upon expiration of the latter license.

(c) A permit for the operation of a station on board a ship at sea, issued by cable, telegraph, or radio, as the result of an application therefor filed under the provisions of § 8.42 shall become effective at the time when granted by the Commission and shall be effective, in lieu of a station license until such ship first arrives at a port of the continental United States subsequent to the time of issuance of such permit.

(d) A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a period beginning at 3:00 a. m. e. s. t. and not exceeding one year from the date on which it becomes effective.

(e) Each special temporary authorization granted on the basis of an application filed under the provisions of § 8.41 shall be issued specifically upon a temporary basis for a specified period of time designated in such authorization and not extending beyond expiration of the outstanding license of the particular station to which it applies or otherwise not exceeding the normal license term of stations of the particular class and in

the particular service designated in such special temporary authorization.

(f) An interim ship station license granted under the provisions of § 8.64 shall become effective when issued at the respective Field Engineering Office of the Commission and shall expire at 3:00 a. m. e. s. t. on a date three months from the date of grant, unless terminated earlier by the Commission pursuant to the provisions of § 8.64.

§ 8.64 *Interim ship station license*. Upon request made in accordance with § 8.35, an interim ship station license may be granted by the Commission at any of its Engineering Field Offices to authorize solely the use of a ship station for telephony in conformity with the conditions and limitations of § 8.369, on board a vessel not required by any statute or international agreement to be fitted with a radiotelephone installation, for an interim period of three months pending action by the Commission at Washington, D. C., on the related formal application for regular ship station license or modification of license filed at such Engineering Field Office as prescribed by §§ 8.35 and 8.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if in the discretion of the Commission the need for such action arises.

§ 8.65 *Issuance of modified and renewed license simultaneously*. When an application is granted by the Commission which necessitates the issuance of a modified station license to become effective less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of the date of expiration of the outstanding license, the modified license as well as the renewed license shall be issued as one document in accordance with the combined action of the Commission.

§ 8.66 *One license for plurality of stations*. (a) Unless otherwise determined by the Commission in exceptional circumstances, one station license may be granted to authorize the use and operation of a designated maximum number of stations in the maritime mobile service—normally in multiples of ten stations—on board two or more ships of the United States which do not engage on voyages to any foreign country whenever telephony is the sole type of transmission authorized and the following license elements are the same for each station and the requirements specified in paragraph (b) of this section are fulfilled:

- (1) The station licensee;
- (2) The conditions which establish and maintain control of the station by the station licensee;
- (3) The class of station and nature of service;
- (4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which

are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type).

(5) The authorized transmitter-power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment and the authorized transmitter-power and class or classes of emission authorized on each radio-channel.

(b) The issuance of one station license as provided in paragraph (a) of this section shall be contingent upon compliance by the applicant and station licensee with the following requirements:

(1) The licensee shall, at the time the application(s) for license is(are) filed and during the entire period in which the station license is valid, keep the Commission at Washington, D. C. and the Commission's engineer in charge of each radio district in which the stations are operated currently informed in writing of the names, registration number and respective classes of ships which are provided with stations authorized in accordance with the terms of the station license;

(2) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use of such equipment for safety purposes;

(3) The transmitting equipment shall not be authorized in any other instrument of authorization issued by the Commission.

§ 8.67 *Transfer or assignment of station authorization* (see also § 8.37) Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily, disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 8.68 *Authority for lifeboat radio station.* Whenever, in an application for ship station license, additional radio transmitting equipment described therein is designated as intended for use solely in a lifeboat or other survival craft associated with the principal vessel to which the application applies, operation of such lifeboat radio equipment, for maintenance tests and safety communication only, will be specifically authorized by the ship station license issued in response to that application.

§ 8.69 *Authority for transmission from cable buoy.* Provided the transmitting equipment to be used on a cable marker buoy is adequately described and the necessary technical data is supplied in an application for station license for a ship station on board a cable-repair ship with which the buoy is associated, the use of such transmitting equipment for radiolocation in accordance with

§ 8.403 will be specifically authorized by the related ship station license.

§ 8.70 *Authority to communicate with amateur stations.* (a) A ship station shall not communicate with or transmit to any amateur station unless it is specifically authorized by the Commission to do so. When authorized to communicate with duly licensed amateur stations, a ship station shall conduct all operation for this purpose in conformity with the relevant terms of its station license and, except as otherwise permitted by the station license, shall, for this purpose,

(1) Transmit by means of A1 or A2 emission only on a frequency between 2000 kc and 25,000 kc authorized for such emission;

(2) Not cause harmful interference to stations in the maritime mobile service nor to stations in the radiolocation service;

(3) Not engage in any communications relating directly or indirectly to a commercial transaction.

(b) Communication with amateur stations of foreign countries shall be limited to communications with such amateur stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall, in addition to the requirements of paragraph (a) of this section, be in accordance with the International Radio Regulations and in conformity with the regulations of the foreign administration(s) having jurisdiction over the amateur stations(s) involved.

§ 8.71 *Limitations concerning stations of portable nature (other than marine-utility stations)* Advance notice in writing or by telegram shall be given to the Commission and to the engineer in charge of the radio district where the operation is to take place by the licensee of a station of a portable nature (other than a marine-utility station) authorized for use on board ship prior to any operation contemplated on board a particular ship. Such notice shall state the call sign of such station, name of licensee, approximate date(s) of intended operation on board the designated ship, and the geographic area in which the ship is to be navigated. A station of a portable nature, (other than a marine-utility station) authorized to be operated on board a ship or ships, shall not be retained on board any one ship during any continuous period exceeding three months without giving further notice to the Commission and to the engineer in charge of the radio district where the operation is to take place: *Provided*, That the foregoing requirements shall not apply to operation of a station of a portable nature on board small boats (tenders, dories, lifeboats, etc.) which are regularly associated with a parent ship, when such station is specifically identified in the license of such parent ship.

§ 8.72 *Authority for ship-radar station.* Any license issued for a ship-radar station shall be subject to the condition that the station licensee in relation to the proper operation of the station in accordance with the radio law and rules

and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

§ 8.73 *Permanent discontinuance of station operation.* In case of permanent discontinuance of operation of a station on board ship in the maritime mobile service or the maritime radiolocation service, the licensee of that station shall, as soon as possible, return the station license to the Secretary, Federal Communications Commission, Washington 25, D. C., and shall as soon as possible, request by telegram or letter addressed to the Secretary that such license be cancelled. In the event, however, that such license is not available for this purpose, the licensee shall, by telegram or letter, inform the Secretary of that fact stating the reason why the license is not available, and shall request that the license be cancelled. If the station is within the United States, a copy of each telegram or letter sent to the Secretary pursuant to this section shall be forwarded at the same time to the Commission's Engineer in Charge of the radio district in which the station then is located.

§ 8.74 *Assignment of call signs.* (a) Ship stations in the maritime mobile service other than those designated in paragraphs (b), (c), (d) and (e) of this section shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or the letter "W" (Examples: KBCD or WBDC.)

(b) Ship stations authorized to use telephony (except those specified in paragraph (c) of this section), but not authorized to use telegraphy except secondarily for purposes incidental to the use of telephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(c) Normally an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service, provided that a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 8.66 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

(d) Stations of lifeboats, liferafts and other survival craft carried aboard ships



shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter) (Example: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD 45)

(e) Ship-radar stations shall be assigned call signs for administrative purposes only. Such stations located on board ships having a ship station licensed in the maritime mobile service shall be assigned the same call sign as that ship station. If in a particular case the ship has no ship station licensed in the maritime mobile service, the ship-radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W" (Examples: If a ship station licensed in the maritime mobile service with call sign WA2000, or KBCD, or WBCD, the ship-radar station call sign shall be respectively, WA2000, or KBCD, or WBCD. If the ship has no station licensed in the maritime mobile service, the ship-radar station call sign shall be of the type WA2000.) In case of a ship having, or eligible for, signal letters assignable by the United States Treasury Department, the Commission may if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign a call sign of such character as is legally permissible and as it may deem appropriate in each particular case.

(f) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters (taken from the group KA through KZ) followed by four digits (the digits 0 and 1 may not immediately follow a letter)

#### § 8.75 Operation during emergency.

(a) The licensee of any ship station or developmental station in the maritime mobile service on board ship, may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the maritime mobile service: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineer in charge be notified immediately when such special use of the station is terminated: *And provided fur-*

*ther* That in no event shall any ship station or developmental station on board ship engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided for by the Commission, or by law. *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station governed by this part during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

#### SUBPART D—GENERAL STATION REQUIREMENTS

§ 8.101 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, the radio installation on board any ship of United States registry shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws, and treaties.

(b) The governments or appropriate administrations of countries, where a ship equipped with a radio station calls, may require the production of the station license for examination. The operator of the station, or the person responsible for the station, must facilitate this examination. The station license must be available so that it can be produced without delay. When the license cannot be produced or when manifest irregularities are observed, governments or administrations may inspect the radio installation in order to satisfy themselves that the installation conforms to the conditions imposed by the International Radio Regulations.

#### § 8.102 Posting of station license.

(a) Except for certain stations to which paragraphs (b) or (c) of this section are applicable, the original license for each station on board ship subject to this part shall be conspicuously posted at the principal location on board at which each such station is operated: *Provided*, That when a ship is fitted with two or more stations authorized by a single license document:

(1) The original license shall be conspicuously posted at the principal operating location of the compulsorily-provided station;

(2) If no station is compulsorily-provided, the original license shall be conspicuously posted at the principal operating location of any station authorized for telephony.

(b) With respect to stations of a portable nature, including marine-utility stations but excluding stations authorized in accordance with § 8.66, where posting of the station license is impracticable, the requirement of paragraph (a) of this section shall not apply. *Provided*, That in lieu thereof the original station license or a photocopy thereof is

retained on board the vessel (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) With respect to a plurality of stations authorized by one station license in accordance with the provisions of § 8.66, the station license shall be retained by the licensee at any location where it is accessible to governmental inspection. In lieu of posting the license on board ship, a Transmitter Identification Card (FCC Form No. 452-C Revised) properly executed shall be affixed to the authorized transmitting equipment on board each ship: *Provided*, That where the transmitting equipment is not visible from the operating position on the ship or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the principal station operating position on board. The following information shall be entered on the Transmitter Identification Card by the station licensee:

- (1) Name of station licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station license and any station records required by the Commission;
- (4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (5) Signature of the licensee, or his duly authorized agent.

(d) Notwithstanding the provisions of paragraphs (a) (b) and (c) of this section, notification by telegram or by letter, in each case by the Secretary of the Commission, stating that the Commission has granted an appropriate station authorization, may be posted in lieu of such authorization if the latter has not yet been received by the station licensee or permittee: *Provided*, That as the result of an official inspection of the station by an authorized representative of the Commission the posting of such notification may not be accepted in lieu of the formal station authorization until additional information pertaining thereto, as may be deemed necessary by that representative for purposes of official inspection, has been obtained from the Commission at Washington, D. C.

§ 8.103 *Location of station.* All components of a station on board ship subject to this part, including the antenna(s) antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations of this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 8.75, or (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an



emergency installation by means of a source of power not located on board the ship, for the purpose of assuring compliance with any applicable safety radio requirement of law.

§ 8.104 *Operating controls.* (a) In each ship station, operating controls capable of being used to:

(1) Commence and discontinue normal operation of the station;

(2) Change normally from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum; and

(3) Change normally from transmission to reception and vice-versa,

shall be readily available at the principal operating location of the station for instant use by the authorized operator in accordance with the provisions of § 8.154, whenever the station is being used for transmission.

(b) Every ship station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(c) Effective on and after January 1, 1956, every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time: *Provided*, That ship stations and marine-utility stations using telephony on any frequency assignment above 30 Mc shall, with respect to operation on such frequencies, comply with this requirement, effective on and after January 1, 1952.

(d) Every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc, or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

(i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum or

(ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum.

(2) The requirements of subparagraph (1) of this paragraph shall be effective:

(i) With respect to radio-channels below 515 kc, on and after January 1, 1956; and

(ii) With respect to the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service and radio channels within the frequency band 2065 kc to 2107 kc, on and after January 1, 1955.

(f) Every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel to another operating radio-channel for transmission or reception by means of telephony within:

(1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency-band 1600 kc to 4000 kc; effective on and after January 1, 1962; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc.

(g) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

(h) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using telegraphy on frequencies within the band 405 kc to 535 kc must, with respect to the use of any transmitter capable of a plate input power in excess of 450 watts and completed in construction subsequent to January 1, 1952, be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts. Each such transmitter shall be furnished with a durable nameplate with the month and year of its completion permanently inscribed thereon.

(2) The requirement of subparagraph (1) of this paragraph shall not apply when there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the international calling frequency 500 kc and at least one working frequency within the band 405 kc to 485 kc, capable of being energized by a source of power other than an emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on such frequencies.

§ 8.105 *Required radio-channels for telegraphy.* (a) Each ship station using telegraphy on frequencies within the

band 405 kc to 535 kc (except stations on lifeboats or survival craft) shall be capable of transmitting and receiving classes A1 and A2 emission on the radio-channel of which 500 kc is the assigned frequency, and on at least one additional radio-channel within this band which is authorized for working. When a radiotelegraph installation is compulsorily fitted for safety purposes, a third radio-channel which is authorized specifically for direction-finding within this band must be provided also.

(b) Each ship station using telegraphy or frequencies within the band 90 kc to 160 kc shall be capable of transmitting and receiving class A1 emission on the radio-channel of which 143 kc is the assigned frequency, and on at least two additional radio-channels within this band (except within the band 140 kc to 146 kc) which are authorized for working.

(c) Each ship station (except on lifeboats, liferafts and survival craft) using telegraphy on the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service shall, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving Class A1 emission on at least one radio channel authorized for calling and at least two radio channels authorized for working.

(d) Each ship station using, when in Region 2, telegraphy on frequencies within the band 2065 kc to 2107 kc shall be capable of transmitting and receiving class A1 emission on at least one radio-channel in this band authorized for working in addition to a radio channel in this band authorized for calling.

§ 8.106 *Required radio-channels for telephony.* (a) Each of the following ship stations shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency:

(1) Ship stations first licensed after January 1, 1954, for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by license modification granted after January 1, 1954, to use additional or substitute radio apparatus for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by license renewal granted after January 1, 1955, for telephony on any radio-channel within the band 1600 to 3500 kc.

(2) Ship stations licensed for telephony on any radio-channel within the band 1600 kc to 3500 kc, and located on board a ship navigated on the Great Lakes.

(b) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable also of receiving telephony on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies)

on at least one other radio-channel authorized for working in this band.

(c) Each ship station, and each marine-utility station when used on board ship (except an experimental or developmental station) which is licensed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.45 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channels of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and additionally on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations: *Provided*, That this requirement shall not apply to marine-utility stations or other stations of a portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel. The requirement of this paragraph, in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

§ 8.107 *Antenna requirements.* (a) The antenna(s) of each public ship station and of each ship station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a ship station, or a marine-utility station on board ship, using telephony on any frequency assignment within the frequency-band 30 Mc to 200 Mc normally shall be polarized vertically at the source when the vessel carrying the station is in a normal vertical plane: *Provided*, The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by other stations in the maritime mobile service.

(c) When a ship station is operating on any carrier frequency below 25 Mc authorized for radiotelephony and the effective operation of the antenna employed is not independent of a ground connection on the frequency in use, the radio station ground system of each such ship station for operation on such frequency shall consist of:

(1) An effective radio ground to the hull for a vessel having a metallic hull, or

(2) In the case of a vessel not having a metallic hull, the most effective radio ground practicable under the circumstances. Preferably the ground shall be to a bare plate or strips, or a combination thereof, of corrosion-resistant metal

of at least 12 square feet in aggregate area affixed to the hull below the water-line.

§ 8.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 8.109 *Measurement of emission frequencies.* (a) The licensee of each station on board ship subject to this part shall be responsible for measurement of each carrier frequency in use by the station as stipulated in paragraphs (b) through (f) of this section: *Provided*, That when a carrier does not exist (except for ship-radar stations) <sup>1</sup> measurement shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.

NOTE: Paragraph 7, Article 28, of the International Radio Regulations (Atlantic City, 1947), which becomes effective when the new International Frequency List becomes effective (as provided by Article 47 of these Regulations), provides that when the ship station transmitter itself cannot be controlled in such a way that its frequency satisfies the tolerance specified in Appendix 3 of these Regulations, the ship station must be provided with a device, having a precision at least equal to one-half of this tolerance, for measuring the frequency of emission. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for ship stations prescribed by § 8.131.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

<sup>1</sup> The licensee of a ship-radar station shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 8.133.

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a ship-radar station) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided*, That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 8.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter in a ship station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, insofar as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 per cent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 per cent and 80 per cent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter in a ship station which is rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a ship station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided*, That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a ship station, subject to this part, as rated by the manufacturer, is capable of being more than 120 per cent of the authorized power, the station licensee shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature)

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of class A3 emission, the term "power," as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

**§ 8.111 Modulation adjustments for telephony.** (a) Ship stations and marine-utility stations using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 per cent. Insofar as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Ship stations and marine-utility stations using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per cent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 per cent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature)

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

**§ 8.112 General requirements for receiving apparatus.** The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 8.181 and 8.240, can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

**§ 8.113 Installation of power source.** The exact location and physical arrangement on board a vessel of any storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed radio station subject to this part and located on board such vessel, and the method of ventilating the battery or engine compartment, shall be in accordance with applicable rules or regulations promulgated by the United States Coast Guard. If the Commission finds that such rules or regulations are not complied with by a particular station of this category, an application for license or modification or renewal of license thereafter filed in behalf of that station may be designated by the Commission for hearing to determine whether or not the granting of such application would meet the public interest, convenience or necessity.

**NOTE:** Inquiries concerning applicable regulations of the Coast Guard may be addressed to The Commandant, United States Coast Guard, Washington, D. C., or to the nearest District Headquarters Office of the Coast Guard.

**§ 8.114 Clock required.** (a) Each ship station licensed to operate on frequencies below 515 kc shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto-alarm (if installed) for response to signals from the testing device. Stations which are compulsorily installed on board ship for safety purposes shall, in addition, meet such supplementary requirements for clocks as are prescribed in Subpart R of this part.

(b) Each ship station licensed for operation on frequencies above 1500 kilocycles only, shall, as may be necessary during operation, have available to the operator a suitable timepiece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and the International Radio Regulations.

**§ 8.115 Retention of radio station logs.** (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

**NOTE:** See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station or as otherwise authorized by the applicable provisions of this part, and during use shall be located in the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Hawaii, Alaska, Puerto Rico,

and Virgin Islands) the original radio log (or a duplicate thereof) dating from the last departure of the vessel from a United States port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

NOTE: Duplicate logs are not required by the provisions of this paragraph, unless the original log is removed prior to opportunity for official inspection.

(d) Logs of ships of the United States containing entries required to be made by reason of the Great Lakes Agreement or § 8.368 (c) of this part shall be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form required by said agreement or § 8.368 (c) shall be retained on board the vessel for a period of not less than one month from the date of entry. After retention on board the vessel as herein stipulated, the entries shall be filed at a place where they will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

#### SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 8.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc.

Frequency ranges	Authorized frequency tolerances Percent
(1) From 100 to 515 kc (except for emergency transmitters of the class specified in (2) and (3) below)-----	0.1
(2) From 100 to 515 kc; emergency transmitters only, whose use is confined solely to safety communication as defined in section 8.6 (a)-----	.3
(3) 500 kc transmitters intended for use solely in lifeboats or other survival craft-----	.5
(4) From 1600 to 3500 kc, inclusive (except for lifeboat transmitters under the condition specified below in (5))-----	.02
(5) For emergency transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2182 kc or on the telegraph calling frequency 2091 kc-----	.05
(6) Stations when using frequencies within the band 4000 to 25000 kc:	
For telephony-----	.005
For other than telephony----	.02

(c) Authorized frequency tolerances for ship stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts-----	0.03
For all other stations-----	.01
(2) From 100 to 200 Mc:	
For stations on survival craft intended for use in emergencies only-----	.01
For stations licensed to operate with a plate input power not in excess of 3 watts-----	.01
For all other stations-----	.005

(d) For stations in the maritime radiolocation service (other than ship-radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

(e) The frequency tolerance authorized for ship-radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

#### § 8.132 *Authorized classes of emission.*

(a) When the class of emission is specifically designated in the instrument of authorization, stations on board ship subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

##### *Frequency-band and classes of emission authorized<sup>1</sup>*

- (1) Ship stations using telegraphy:
  - 100 to 160 kc----- A1, and for brief testing A0.
  - 160 to 515 kc----- A1, A2,<sup>2</sup> A2a,<sup>3</sup> A2b,<sup>3</sup> and for brief testing A0.
  - 2005 to 25,000 kc----- A1 and for brief testing A0, except for stations on board survival craft which may use, in addition, class A2 emission.
- (2) Ship stations using telephony:
  - 1600 kc to 30 Mc----- A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
  - 30 Mc to 10 Mc----- A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
  - 162 Mc to 162 Mc----- In Regions 1, 2, and 3, F3; and for brief operating signals F1 and F2; also for brief testing F0; additionally in Regions 1 and 3 only, A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
  - For other frequencies or frequency-bands----- As designated in the station authorization.
- (3) Ship-radar stations: Above 5000 Mc----- PO.
- (4) Stations of any category not designated in subparagraphs (1), (2), and (3) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

<sup>1</sup> The letter "a" following class A2 or A3 emission means the emission of a single sideband, with reduced carrier. The letter "b" following class A2 or A3 emission means the emission of two independent sidebands, with reduced carrier.

<sup>2</sup> Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited except for stations of survival craft.

<sup>3</sup> See § 8.369 (a) (3).

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful

interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 8.133 *Authorized emission-bandwidths.* (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, a station on board ship subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 8.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis)

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis),

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such

and shall state the purpose for which such emission-bandwidth is required

**§ 8.134 Authorized transmitter-power** (a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed on condition that the maximum authorized transmitter-power shall be subject to the provisions of § 8.110 (a), not be exceeded; and on condition that the minimum authorized transmitter-power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in § 7 (ii)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise the minimum authorized transmitter-power shall not be less than the particular power set forth in paragraph (c) of this section.

(2) When a specific emission designator, as expressed in subparagraph (1) of this paragraph appears in a station authorization applicable to any station subject to this part such designator specifies for that station and for the particular radio-channel(s) involved the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a ship station, unless otherwise provided by the station authorization:

(i) When a carrier is present the frequency coinciding with the center of the emission-bandwidth occupied by the emission-bandwidth shall when class A2, A2b, A3 F2 or F3 emission is being used be the same as the carrier frequency;

(ii) When a carrier is not present the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation

does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signaling code intended to actuate a selective-calling device shall be construed as class F1 emission or class F2 emission respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, The frequency deviation used and in the case of class F2 emission the modulating frequency or frequencies used is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth;

(11) Class F0 emission means pulse transmission with the absence of any modulation intended to carry information as used by ship-radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission bandwidth authorized for transmission of intelligence
A0	None	None
A1	0 16 A1	224 cycles per second
A2	2 60 A2	2 724 cycles per second
A2a	1 33 A2a	1 362 cycles per second
A2b	2 60 A2b	2 724 cycles per second
A3	6 A3	8 000 cycles per second
A3a	3 A3a	4 000 cycles per second
A3b	6 A3b	8 000 cycles per second
F0	None	None
F1	Variable <sup>1</sup>	40 000 cycles per second
F2	36 F2	40 000 cycles per second
F3	36 F3	40 000 cycles per second
P0	Variable <sup>2</sup>	40 000 cycles per second

<sup>1</sup> In the case of class F1 emission, the emission designator will vary according to the frequency deviation the number of words per minute, and other factors involved.

<sup>2</sup> In the case of class P0 emission, the emission designator and the authorized emission bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission bandwidth. Note also the provisions of § 8.131 (e) concerning authorized frequency tolerance for radar transmitters.

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2000-4000 kc band, except on U. S. inland waters <sup>1</sup>		4000 to 25000 kc band, except on U. S. inland waters <sup>1</sup>	
	Ship to shore	Ship to ship	Ship to shore	Ship to ship
Class C—plate or plate and screen grid modulated	1 000	150	3 000	150
Class C—control, screen, or suppressor grid modulated	2 000	300	6 000	300
Class B—linear	1 600	240	4 800	240
Class B—cathode modulated	2 000	300	6 000	300
Class BC—high efficiency	1 200	180	3 600	180
Other classes	As specified in the station authorization			

<sup>1</sup> Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge La.) and connecting inland waters



(c) (1) For ship stations on board any category of vessel, other than the class of passenger ship prescribed in paragraph (b) of this section, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 2000 watts (with or without modulation).

For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2000-4000 kc band, except on U. S. inland waters <sup>1</sup>		4000 to 25000 kc band, except on U. S. inland waters <sup>1</sup>	2500 to 25000 kc band, on U. S. inland waters <sup>1</sup>
	Ship to shore	Ship to ship		
Class C—plate or plate and screen-grid modulated.....	400	150	1,000	150
Class C—control, screen, or suppressor-grid modulated.....	800	300	2,000	300
Class C—cathode modulated.....	400	250	1,000	250
Class B—linear.....	800	300	2,000	300
Class BC—high efficiency.....	400	150	1,000	150
Other classes.....	As specified in the station authorization			

<sup>1</sup> Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and adjacent inland waters.

(2) For ship stations on board any category of vessel, the authorized transmitter power on and after July 1, 1959, on frequencies between 2000 and 25,000 kc assigned for communication by telephony shall not be less than the power designated in the following table:

Class of radio-frequency amplifier used in last radio stage of transmitter	Minimum authorized transmitter power in watts (when no modulation is present)
Class C—Plate, or plate and screen-grid modulated.....	15.
Class C—Control, screen, or suppressor-grid modulated.....	30.
Class C—Cathode modulated.....	24.
Other classes.....	Equivalent value as specified in the station authorization.

Provided, however That the Commission may specifically license the use of authorized transmitter-power less than that specified in the foregoing table, for telephone communication on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used, (see § 8.7 (ff)) a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such

frequency at a distance over sea-water of one statute mile (over fresh water, the minimum radio frequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

(d) For ship stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM)

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)	
	Ship stations	Marine-utility stations
Class C—plate, or plate and screen-grid modulated.....	100 watts.....	10 watts.....
Class C—control, screen, or suppressor-grid modulated.....	200 watts.....	20 watts.....
Class C—cathode modulated.....	100 watts.....	10 watts.....
Class B—linear.....	200 watts.....	20 watts.....
Class BC—high efficiency.....	100 watts.....	12 watts.....
Other classes.....	As specified in the station authorization	

(e) For ship stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc or 156.25 Mc to 157.45 Mc and employing frequency modulation (FM) the maximum authorized transmitter-power (with or without modulation) is 100 watts. For marine-utility stations under the condition prescribed in this paragraph for ship stations, the maximum authorized transmitter-power is 10 watts.

(f) For ship stations and marine-utility stations using telephony in Region 1 or 3, by means of amplitude modulation (AM) on any frequency assignment within the frequency-band 156.25 Mc to 157.45 Mc, the maximum authorized transmitter-power is the same as that designated in paragraph (d) of this sec-

tion for operation within the band 35 Mc to 44 Mc.

(g) For stations on board ship which are authorized to transmit on frequencies above 157.45 Mc, the power authorized to be used shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (ff) and (ii) of § 8.7, may be computed for electron-tube transmitters by the method set forth in the following paragraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily

class A2 or special emission for operating signals) the authorized transmitter-power may be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating current type voltmeter of proper frequency range (as applicable) each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (d'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable: *Provided*, A wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this paragraph (such as screen-grid current) such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current measured for the purpose of this paragraph.

§ 8.135 *Suppression of interference from receiving apparatus.* (a) The use or operation of any radio receiving system or apparatus on board a ship of the United States (excluding lifeboats and other survival craft) shall not, by reason of emission therefrom cause harmful interference to any authorized maritime mobile or maritime radiolocation service or impair the efficiency of any auto-alarm or watch on any radio frequency used for either of these services: *Provided*, That this regulation shall not prevent the use or operation of any radio receiving apparatus or system on board ship when the installation or use thereof is required by act of Congress or any treaty to which the United States is a party unless the Commission finds that the interfering emission from such apparatus or system is capable of:

(1) Creating an electromagnetic field, at a distance over sea water of one nau-

tical mile from the receiver, in excess of the following value(s)

Frequency of interfering emission:	Field intensity in microvolts per meter
Below 30 Mc-----	0.1
30 to 100 Mc-----	.3
100 to 300 Mc-----	1.0
Over 300 Mc-----	3.0

or

(2) Delivering more than the following amounts of power, to an artificial antenna having electrical characteristics designated by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard:

Frequency of interfering emission:	Power into artificial antenna in microwatts
Below 30 Mc-----	400
30 to 100 Mc-----	4,000
100 to 300 Mc-----	40,000
Above 300 Mc-----	400,000

(b) Any specifically identified type of radio receiving apparatus or system required to be installed or used on board a ship by act of Congress or any treaty to which the United States is a party shall be exempt from any subsequent finding by the Commission pursuant to paragraph (a) (1) and (2) of this section if the Commission, as a result of engineering measurements made relative to emission produced by such type of apparatus or system, finds that such emission, as developed on frequencies to which the provisions of paragraph (a) of this section apply under conditions equivalent to normal use or operation on board ship, is not in excess of the value(s) specified in paragraph (a) (1) and/or (2) of this section.

§ 8.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 8.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type acceptance or as may be required by the Commission) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related

technical performance of the particular type of transmitter for the purposes of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 8.137 *Special requirements for radio-telephone transmitters.* (a) Except as provided otherwise in paragraph (b) of this section, and except for transmitters authorized solely for developmental stations, each radiotelephone transmitter authorized in a ship station license or a marine-utility station license granted, modified, or renewed by the Commission, for use and operation at frequencies above 30 Mc, and all radiotelephone transmitters authorized in a ship station license or marine-utility station license granted, modified, or renewed after January 1, 1960, shall be used with a device that will automatically prevent modulation in excess of 100 per cent. This requirement, however, shall not apply to transmitters incapable of a plate-input power exceeding three watts which are authorized for marine-utility stations and other stations of a portable nature.

(b) Each radiotelephone transmitter of a ship station or a marine-utility station shall be type accepted by the Commission prior to its operation by any unlicensed person pursuant to the provisions of § 8.155 (a). In addition to complying with all other applicable rules and regulations such a transmitter shall meet the following requirements:

(1) Operation of the transmitter shall require only the use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(2) The required radio frequency stability of the transmitter must be maintained (at all times during such operation by an unlicensed person) by the transmitter itself;

(3) None of the operations necessary to be performed during the course of normal rendition of service to the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(4) The transmitter shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(c) (1) Each radiotelephone transmitter authorized in a ship station license or a marine-utility station license

granted, modified, or renewed by the Commission for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 8.136.

(2) Before being finally considered for type-acceptance such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, with 100 percent modulation applied, the frequency deviation shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 8.7 (ii)	Attenuation (decibels)
3 watts or less-----	40
Over 3 watts and including 150 watts--	60
Over 150 watts and including 600 watts-----	70
Over 600 watts-----	80

§ 8.138 *Special requirements for ship-radar transmitters.* (a) Each radar transmitter authorized in any ship-radar station license granted, modified or renewed by the Commission (other than licenses for developmental stations) must be type-approved by the Commission.

In addition to meeting all other applicable requirements such transmitters shall comply with the limitations and conditions set forth in the following paragraphs.

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part;

(3) The provisions of § 8.136 governing the procedure to be followed for the purpose of obtaining type-acceptance of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type approval thereof as required by paragraph (a) of this section.

## SUBPART F—OPERATOR REQUIREMENTS

§ 8.151 *Authorized operator required.* (a) Except as otherwise provided in § 8.155, the actual operation of all transmitting apparatus in any radio station in the maritime mobile or maritime radiolocation service on board a ship of the United States shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter.

(b) When the station is a public ship station used for telephony, the person actually operating the station shall, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent) and subject to the priority of communication set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(c) When the station is a limited ship station used for telephony, the person actually operating the station may, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent) and subject to the priority of communication's set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(d) For the purpose of paragraphs (b) and (c) of this section, any microphone, without regard to its location on board ship, may be construed to be the station microphone when it is electrically connected to the modulating system of the radiotelephone transmitting apparatus.

§ 8.152 *Operator required by statute for safety.* (a) The radio installation required by Part II of Title III of the Communications Act or by the Safety Convention, for purposes of safety on board a ship of the United States, shall be in charge of and shall be operated only by one or more qualified operators who shall be subject to the lawful authority of the master.

NOTE: A qualified operator for the purpose of this section on a ship of the United States is a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission. See Part 13 of this chapter and/or any applicable orders promulgated by the Commission.

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory

provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

(d) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specified in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be carried.

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelephone installation which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

§ 8.154 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station in the maritime mobile service subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (insofar as such provisions require the actual operation of such apparatus only by a person holding an operator's license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at the place where such transmitting apparatus is located, and, subject to the lawful authority of the master, shall be in charge of the station: *Provided*, That in lieu of the transmitter location, such

operator may be on duty at a different location on the ship when:

(1) Such apparatus is installed and protected so that it is not accessible to and may not be placed in an operating condition by other than duly authorized persons; and

(2) The transmitting and associated receiving apparatus can be operated from such other location in a manner which will fully comply with all applicable rules of the Commission (in particular § 8.104) and the terms of the station license; and without any delay in normal operation being introduced by such arrangement.

§ 8.155 *Waivers of operator license—*

(a) *For VHF telephony.* Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any ship station (including developmental ship stations) or marine-utility station on board ship, in the maritime mobile service, when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided*:

(1) The person who operates the transmitting equipment is the station licensee or is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of the person who, at the time, occupies the position of the master of the ship on which the station is located;

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention-signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety;

(3) The station is authorized to use transmitting equipment only of a type which is acceptable to the Commission for operation in this service by unlicensed persons in accordance with this paragraph;

(4) The transmitting equipment operated by an unlicensed person in accordance with this paragraph is not required on board the ship for safety purposes by any statutory provisions or by any international agreement or treaty in force;

(5) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of this chapter who shall be responsible for the proper functioning of the station equipment;

(6) Subsequent to any transmitter adjustments made in accordance with subparagraph (5) of this paragraph, and at all other times, the station licensee shall be responsible for determining that

the transmitting equipment continues to meet the conditions established by the Commission relative to acceptance of the particular type of equipment for the purpose of operation by unlicensed persons;

(7) The station licensee or the person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 8.154 as though he were a licensed operator;

(8) Nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law.

(9) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

(b) *For ship-radar* (1) No radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship-radar stations licensed in the radiolocation service (Ship-radar stations heretofore licensed in the ship service are construed to be licensed in the maritime radiolocation service (including the maritime radionavigation service).) *Provided*, That the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse-type magnetron;

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph (1) must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship-radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however* That nothing in this subparagraph shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this subparagraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and

maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 8.156 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the principal location on board ship at which the station is operated: *Provided*, That in the case of stations of a portable nature, including marine-utility stations, or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

§ 8.157 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart (except § 8.155 (b) (2) which specifically covers ship radar stations) all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 8.158 *Certified persons required by Great Lakes Agreement.* (a) For the purpose of complying with Article 7, paragraph 1 (a) of the Great Lakes Agreement, there shall be on board a United States vessel, as an officer or member of the crew, one or more persons holding an operator's license issued by the Commission which is appropriate for that purpose under the provisions of Part 13 of the Commission's rules.

(b) If the vessel is deprived of the services of all certified persons referred to in paragraph (a) of this section without fault or collusion of the master, the vessel may, as a matter of temporary expediency, proceed on her voyage, provided:

(1) The master shall exercise due diligence in an effort to obtain at least one qualified replacement before sailing and failing that shall exercise due diligence to obtain at least one qualified replacement as soon as practicable;

(2) The qualified replacement is made at the destination on the Great Lakes of the vessel;

(3) In addition to the foregoing, the master shall, within 12 hours after the time of arrival of the vessel at the destination, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation in writing of the full particulars in the matter, including the date the master became aware of the unavailability of the certified person or persons, the scheduled and the actual sailing time of the vessel

without a certified person on board, a specific description of his efforts to secure at least one qualified replacement before sailing; and in the case of a vessel whose destination is on the Great Lakes, a statement that a qualified replacement has been or will be secured before the ship again leaves such port.

#### SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 8.171 *International regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 8.172 *Authority in event of distress.* No provision of the International Radio Regulations shall prevent a ship in distress from using any means of telecommunication available to it for drawing attention, signalling its position, and obtaining help. A distress call and message, however, shall be transmitted only on the authority of the master of, or the person responsible for, the ship from which this call and message are transmitted. No person shall, by means of any station subject to this part, knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communications relating thereto.

§ 8.173 *Authority of the master.* Except as may be regulated by law or international agreement or by the rules of the Commission, the radio service of each station on board ship shall at all times be under the supreme control of the master. However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

§ 8.174 *Secrecy of communication.* The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radio communications transmitted or received by a station on board ship or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.

NOTE: See secs. 501, 502, and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

§ 8.175 *Intercommunication in mobile service.* Each ship station in the maritime mobile service at sea shall, within

the scope of its normal operations, be bound to exchange radio communication or signals with any other ship station or aircraft station in the maritime mobile service at sea or with any public coast station in the maritime mobile service: *Provided*, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

§ 8.176 *Priority of communications to be observed.* Ship stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 8.177; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 8.177 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal for radiotelegraphy) international automatic-alarm signals for distress purposes, distress messages, and distress traffic.

**NOTE:** The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

(2) Communications preceded by the international radiotelegraph urgency signal.

(3) Communications preceded by the international radiotelegraph safety signal.

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radio-communication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signals for radiotelephony and radiotelegraphy) distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal, or known to the station licensee

or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal, or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known by the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 8.178 *Unauthorized transmissions:* Stations operating in the maritime mobile service shall not engage in radio-communication which is superfluous or unnecessary in this service. Except in an emergency which requires otherwise, the transmission by ship stations of signals or communications not addressed to an authorized station or stations in the maritime mobile service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 8.179 *Control by coast or government station.* When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station or government station. This provision, however, does not apply in the event of distress, either actual or impending.

§ 8.180 *Cooperative use of frequency assignments.* Unless provided otherwise in this part, or in the particular station authorization, each radio-channel authorized for use by a station on board ship subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 8.181 *Prevention of interference.* (a) From the standpoint of interference the operation of a ship radio station (including receiving equipment, auto-alarm, and direction-finder) required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other

radio apparatus on board the same vessel.

(b) Before commencing transmission (other than signals of distress) a ship station shall, insofar as is practicable, make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated in § 8.177.

(c) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 8.177. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(d) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of public coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(e) Ship stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: *Provided*, That this provision shall not apply in event of distress, either actual or impending.

§ 8.182 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee, or upon notification by the Commission, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 8.183 *Hours of service of ship stations.* (a) Ship stations whose service is not continuous may not close before:

(1) Finishing all operations resulting from a distress call, or urgency or safety signal;

(2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have



indicated their presence before the actual cessation of communication.

§ 8.184 *Maintenance of station log.* (a) Each station on board ship subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall in addition, comply with the applicable provisions of paragraphs (b) and (c) of this section; the station licensee and the licensed radio operator (when a licensed radio operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 8.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

#### SUBPART H—WATCHES AND AUTO-ALARMS FOR SAFETY PURPOSES

§ 8.201 *Watch required by International Radio Regulations.* All ship stations employing telegraphy (either compulsorily or voluntarily provided with a radiotelegraph installation) and normally keeping watch on frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, take the necessary measures to insure an efficient watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (GMT). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required for maritime mobile service.

§ 8.202 *Watch required by Communications Act.* (a) Each ship of the United States required by Part II of Title III of the Communications Act and the rules of the Commission to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, while being navigated outside a harbor or port, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators: *Provided, however* That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained as herein prescribed by means of a qualified radiotelegraph operator: *Provided further,*

That in either instance such operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(b) In accordance with the requirement set forth in paragraph (a) of this section for a cargo ship fitted with an auto-alarm in proper operating condition, when such vessel is navigated outside a harbor or port, the watch as prescribed in paragraph (a) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, while being navigated outside a harbor or port, keep a continuous and efficient listening watch on the radiotelephone calling and distress frequency 2182 kc whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform the listening watch. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the listening watch.

§ 8.203 *Watch required by Safety Convention.* This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea)

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the international distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch-a day in the aggregate.

(2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.

(b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom

by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radiotelegraph operator, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept by such ships for at least eight hours per day, in the aggregate.

(c) In keeping the watch prescribed in paragraphs (a) and (b) of this section, operators shall be subject to the conditions and limitations prescribed in § 8.204.

(d) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while at sea, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c)

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the radiotelegraph watches prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

(b) While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers or amateur transmitters or receivers) not actually required for maritime mobile service.

(c) During the period of this watch and subject to the provisions of § 8.205, the operator may temporarily interrupt the required listening on the frequency 500 kc while he is transmitting or receiving signals or messages to or from a station operating in the maritime mobile service if it is not possible for the operator to maintain at the same time, by any practicable means, the watch on 500 kc. The provisions of this paragraph shall not relieve the ship station from the obligation of complying with the provisions of § 8.201.

(d) With respect to the provisions of paragraph (c) of this section, the term "by any practicable means" as used in that paragraph shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for nonwatch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency.

§ 8.205 *Compulsory use of auto-alarm.* (a) The auto-alarm, when provided on a ship compulsorily fitted with a radiotelegraph installation for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, shall be in operation, connected to the main antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a

harbor or port when a qualified operator is not on watch duty.

(b) Unless the use of an auto-alarm, compulsorily provided as specified in paragraph (a) of this section, is impracticable under the condition hereinafter designated, such auto-alarm shall be in operation, connected to a suitable antenna (for example, a main antenna, an emergency antenna, or an auxiliary antenna) and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port, when a qualified operator is on watch duty but the watch is temporarily interrupted (as contemplated under the provisions of § 8.204 (c)) for an extended period, and it is not possible for such operator to maintain, at the same time by any practicable means, the watch on 500 kc. Nothing contained in this paragraph shall relieve the ship station from the obligation of complying with the provisions of § 8.201.

§ 8.206 *Procedure in use of auto-alarm.* (a) Paragraphs (b) and (c) of this section shall apply to the use of an auto-alarm which is provided for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention on a ship compulsorily fitted with a radiotelegraph installation under that act or under the radio provisions of that convention.

(b) While the ship is being navigated outside a harbor or port, the auto-alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A test also shall be made to determine that the auto-alarm mechanism is operated in a normal manner by signals from other stations which are received on the frequency 500 kc. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.

(c) The qualified operator, when going off watch, shall report to the officer on watch on the bridge whether or not the auto-alarm has been placed in use and adjusted for effective operation as prescribed in § 8.205 (a).

§ 8.207 *Listening required by the Great Lakes Agreement.* While a United States vessel is subject to the Great Lakes Agreement, there shall be continuous effective listening by aural means for reception of class A3 emission on the radio channel of which 2182 kc is the assigned frequency whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for the maritime mobile service. Such listening shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform that listening. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of such listening.

#### SUBPART I—GENERAL PURPOSE WATCHES

§ 8.221 *Watch on 500 kc.* Ship stations using frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc except when the operator is transmitting on 500 kc, operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc as provided by § 8.222) if it is not possible for the operator to maintain at the same time, by any practicable means, the watch for calls on 500 kc. The term "by any practicable means" as used herein shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency. The provisions of this section, however, shall not relieve the ship from complying with the requirements for a safety watch as prescribed in §§ 8.201, 8.202 and 8.203.

§ 8.222 *Watch on 143 kc.* On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in §§ 8.201, 8.202 and 8.203, each ship station equipped for working by means of class A1 emission on frequencies within the band 90 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, normally keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.)

§ 8.223 *Watch on 2182 kc.* (a) Each ship station on board a ship navigating the Great Lakes and licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever the station is not being used for transmission on that channel or for communication on other radio-channels.

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.)

#### SUBPART J—PROCEDURE IN EVENT OF DISTRESS

§ 8.231 *Applicable regulations.* In addition to the governing provisions of the International Radio Regulations applicable to the transmission and interception of distress signals and the handling of distress traffic and the special provisions of §§ 8.61 and 8.172, mobile stations which are subject to this part shall, in cases of distress, be governed by this subpart.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

§ 8.232 *Radio-channels for distress.* (a) In case of distress in the maritime service, the frequency to be used shall be the international distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) Until such time as the frequency 2182 kc is effectively guarded for the reception of distress calls mobile stations in regions of the United States (other than the Great Lakes region) not capable of using 500 kc but equipped to use telephony on medium frequencies may, in case of distress only, communicate with stations of the United States Coast Guard on the frequency 2670 kc. In the Great Lakes region, the frequency 2182 kc should be used at any time for radiotelephone distress calls in lieu of the frequency 2670 kc.

§ 8.233 *Form of distress call.* (a) The distress call transmitted by radiotelegraphy comprises:

(1) The international distress signal which consists of the group "three dots, three dashes, three dots," transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots (this signal in each instance is transmitted 3 times)

(2) The signal "de" and

(3) The call sign of the mobile station in distress (transmitted 3 times in each instance).

(b) (1) The distress call, when transmitted by radiotelephony, is generally preceded by the distress signal for radiotelegraphy as designated in paragraph (a) (1) of this section. Such signal may be produced by a whistle or any other suitable means.

(2) The distress call, when transmitted by radiotelephony, comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This is," followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

§ 8.234 *Radiotelegraph alarm signal.* The distress call, when transmitted by radiotelephony on the frequency 500 kc, should, if possible, be preceded by the international alarm signal transmitted by means of class A2 emission on 500 kc. This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds

and the duration of the interval between 2 consecutive dashes being one second. The distress signal for radiotelegraphy as designated in § 8.233 (a) (1) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress message on 500 kc, to allow time for operators warned by these signals to go on watch.

§ 8.235 *Distress message.* (a) The distress call, must be followed, as soon as possible, by the distress message which comprises:

- (1) The distress call;
- (2) The name of the mobile station in distress;
- (3) The particulars of its position;
- (4) The nature of the distress;
- (5) The kind of assistance desired; and
- (6) Any other information which might facilitate rescue.

(b) When telegraphy is used, the distress message shall be transmitted by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) Where no reply to the distress signals or distress message has been received, these signals or this message shall be repeated at intervals (in radiotelegraphy especially during the 500 kc international silent periods), until a reply is received.

(d) When the mobile station in distress receives no answer to a distress message transmitted on a distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.236 *Transmission for radiolocation.* After the transmission of its distress message, a mobile station at sea when equipped for telegraphy shall when possible transmit a signal in the form of 2 telegraphic dashes of approximately 10 seconds duration each, followed by its call sign, to permit radio direction-finding stations (or other stations equipped for radiolocation) to determine its position. This transmission may be repeated by the mobile station, subject to the provisions of § 8.240, whenever it is requested to do so by other stations endeavoring to determine its position.

§ 8.237 *Acknowledgment of distress message.* Any station in the maritime mobile service which receives a distress message relative to a vessel, aircraft, or other unit which is, beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the

maritime mobile service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

§ 8.238 *Form of acknowledgment by telegraphy.* (a) The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

- (1) Call sign of the mobile station in distress (transmitted 3 times),
- (2) The signal "de".
- (3) Call sign of the station acknowledging receipt (transmitted 3 times)
- (4) The signal "RRR" and
- (5) The distress signal.

§ 8.239 *Information from acknowledging stations.* (a) Every mobile station which acknowledges receipt of a distress signal or message must, on the order of the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station, transmit in message form, as soon as possible, the following information in the order shown:

- (1) Its name;
- (2) Its position;
- (3) The course and speed at which it is proceeding towards the vessel, aircraft, or other unit in distress; and
- (4) Estimated time of arrival at the scene of distress.

(b) Before transmitting this message, the station must insure that it will not interfere with the transmissions of other stations which are better situated to render immediate assistance to the vessel, aircraft, or other unit in distress.

§ 8.240 *Control of distress traffic.* (a) The control of distress traffic is the responsibility of the mobile station in distress, or of another mobile station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress call. These stations may however, delegate the control of the distress traffic to another station.

NOTE: See Article 37, paragraph 18, of the International Radio Regulations, Atlantic City, 1947.

(b) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(c) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the international distress signal is used to impose silence for this purpose.

(d) Any station engaging in radio-communication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is

indicated by using the signal "AS" (wait) followed by the word "distress" and the call sign of the station imposing silence.

(e) In cases of distress, the use of the radiotelegraph service abbreviation "QRT" must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(f) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

§ 8.241 *Supplementary transmissions.*

(a) A mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate, upon authorization of the master or person responsible for the station, transmit the radiotelegraph alarm signal on the frequency 500 kc using the maximum available power and class A2 emission, when:

(1) A distress call has been transmitted and was not preceded by the alarm signal; or

(2) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(b) When a mobile station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by" and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

#### SUBPART K—FOREIGN SHIP STATIONS IN UNITED STATES WATERS

§ 8.261 *Inspection of station.* Pursuant to section 303 (n) of the Communi-

cations Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City, 1947; Regulations 16, 18 and 19 of Chapter I of the Safety Convention, London, 1943; and Articles 11, 12 and 14 of the Great Lakes Agreement, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time, in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as, within the discretion of the Commission, will insure compliance with applicable rules, regulations, laws, and treaties.

§ 8.262 *Installation for safety purposes.* (a) The provisions of Part II of Title III of the Communications Act, insofar as such provisions require certain radio apparatus in operating condition and one or more qualified operators (for this purpose, a qualified operator is defined by the Communications Act to be "a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs") on board a ship which leaves or attempts to leave any harbor or port of the United States for a voyage in the open sea, apply to a ship of any foreign country except:

(1) A cargo ship of less than 500 gross tons;

(2) A ship of war;

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention.

(4) A yacht of less than 600 gross tons not subject to the radio provisions of the Safety Convention;

(5) A vessel in tow; and

(6) A vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States or navigating solely on any of these waters.

§ 8.263 *Limitations on transmission.* (a) Sections 301 and 318 of the Communications Act, relative to station licenses and operator licenses, respectively, are not applicable to any person sending radiocommunications or signals on a foreign ship while the same is within the jurisdiction of the United States; however, such communications or signals shall be transmitted only in accordance with applicable rules of the Commission intended to prevent interference including, among others, the following subparagraphs:

(1) The frequency or frequencies and the class or classes of emission used shall be available for the operation being conducted pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the United States is a party;

(2) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used;

(3) The station shall comply with the applicable provisions of the International Radio Regulations and other applicable international treaties and agreements to which the United States is a party;

(4) The operation of transmitting apparatus employing class B emission is prohibited in any harbor or port of the United States except for emergency communication or for necessary tests of brief duration.

(b) Any transmission by a station on board a foreign man-of-war shall, in addition to the provisions of paragraph (a) of this section, be governed also by the following provisions:

(1) Transmission by radio from any foreign man-of-war while the same is within the territorial waters of the United States is prohibited unless authorized by appropriate United States authorities and carried on in conformity with the provisions of paragraph (a) of this section. Normally, a request from a foreign man-of-war to use its radio transmitting apparatus while in United States ports and territorial waters shall be made to one of the United States naval district commandants or, after arrival in port, to the senior United States Navy Officer present. When a Navy Officer is not present, request shall be made to the port authorities, or to the United States Navy at Washington, D. C.

NOTE: The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk; Charleston, South Carolina; San Diego, San Francisco, Seattle; Pearl Harbor, Territory of Hawaii; and Balboa, Canal Zone. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports.

#### SUBPART I—MESSAGE CHARGES

§ 8.271 *Distress messages.* No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

§ 8.272 *Danger messages.* No charge shall be made by any ship station or other station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b) originating on a ship of the United States or of a foreign country.

§ 8.273 *Tariff filing required.* No charge shall be made for the service of any station on board ship subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of this chapter.

§ 8.274 *Responsibility for payment.* (a) Each ship station shall be responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(b) The transmission by any ship station of information concerning dangers to navigation, made in compliance with the provisions of § 8.303 (b), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

§ 8.275 *Ship position reports.* Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

§ 8.276 *Free safety service.* Notwithstanding any other provision of law, any ship station may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea: *Provided,* That the Commission, from time to time under particular circumstances, may impose specific limitations on such free service to the extent that it finds desirable in the public interest.

§ 8.277 *Free service for national defense.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.



# SUBPART M—NATURE OF SERVICE PROVIDED BY SHIP STATIONS AND SHIPBOARD MARINE-UTILITY STATIONS

§ 8.301 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 8.23, authorizations for limited ship stations, marine-utility stations, or public ship stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That when the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies: *And provided further* That:

(1) An applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment)

(2) An applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

(b) In addition, any applicant requesting assignment of a frequency in the band 152–162 Mc for use primarily for communication with non-government limited coast stations and marine utility stations on shore for business and operational purposes must be regularly engaged in the operation of the commercial transport or governmental vessel on which the ship station or marine utility station would be utilized.

§ 8.302 *Points of communication.* Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio-channels, limited ship stations, marine-utility stations on board ships, and public ship stations are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communication: *Provided, however* That for purposes of public correspondence between ship and shore, public ship stations are authorized to communicate only with public coast stations and United States Government coast stations open to public correspondence.

§ 8.303 *Service requirements for all ship stations.* (a) Unless prohibited by the terms of the station license or by other sections of this part relative to the limited use of a specifically designated frequency, each ship station shall, within the scope of its normal operations and without discrimination, acknowledge all calls directed to it and receive from stations operating in the maritime mobile

service, all messages and communications which are addressed to the ship or to any person or persons on board and which are for termination on such ship.

(b) The master of every ship, equipped with licensed radio transmitting apparatus capable of providing communication with other ships or with a coast station, on meeting with a direct danger to the navigation of other ships such as dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted, in so far as is possible, all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities provided that such procedure, in the discretion of the master, will not be a repetition of action already taken for this purpose by another station.

(c) At the request of any station operating in the maritime mobile service, a ship station may, within the scope of its normal operation accept messages or communications as requested for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, it shall be incumbent upon that station to retransmit the message as directed, with the least delay possible.

§ 8.304 *Service requirements for public ship stations.* In addition to such messages as are necessary for compliance with § 8.303, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand, shall provide, subject to the order of priority prescribed in § 8.177, a service of public correspondence for any person who, while on board in any status or capacity, requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however*, That, unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

§ 8.305 *Service of limited ship stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 8.303 and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited ship station or a marine-utility station is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

## SUBPART N—USE OF RADIOTELEGRAPHY

§ 8.321 *Assignable frequencies.* (a) (1) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy in accordance with the provisions of

paragraph (b) of this section and Subpart E of this part.

143 calling	425
152	444 <sup>1</sup>
153	448 (region 2 only).
154	
155	454
156	468
157	480
158	500 calling and distress.
410 <sup>1</sup>	

<sup>1</sup> Subject to the special conditions and limitations set forth in paragraph (b) of this section.

(2) Except as may be otherwise specified herein or in the particular station license, the radio channels of which the above frequencies are the assigned frequencies may be employed for communication with ship stations or coast stations (public or limited)

(b) (1) The frequency 444 kc is assignable exclusively for communication with United States Government stations; its use for any other communication (except distress) is not authorized: *Provided*, That harmful interference shall not be caused to the service of any coast station.

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio channel of which 410 kc is the assigned frequency may be used for communication by radiotelegraphy with direction finding stations in connection with established international operating procedure, relative to radiolocation by means of direction finding.

(c) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

## § 8.322 *Frequencies for use in distress.*

(a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship or aircraft stations, using frequencies in the band 405 to 535 kc, when requesting assistance from the maritime services. It is used, preferably with class A2 emission, for the distress call and distress traffic.

(b) The frequency 8364 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4000 kc to 23000 kc and desiring to establish with stations of the maritime mobile service, communications relating to search and rescue.

## § 8.323 *Frequencies for calling.*

(a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be used by any ship station engaged in radiotelegraphy in the authorized bands between 405 and 535 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations shall request



coast stations to answer by means of their normal working channel. In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 90 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call. (Coast stations reply on their normal working frequency in this band.) When a ship station which uses frequencies within the band 90 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) In Region 2, the frequency 2091 kc is the international calling frequency for ship stations using telegraphy within the band 2065-2107 kc. It shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065-2107 kc or with coast stations using telegraphy and operating in the band 2000-2850 kc: *Provided*, That transmission by ship stations for this purpose on any calling frequency within the band 2088.5-2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. The use of the frequency 2091 kc or any other calling frequency within the band 2088.5-2093.5 kc by ship stations for purposes other than those stipulated in this paragraph (except for transmitting distress traffic) is not authorized. A ship station, after establishing communications on a calling frequency within this band, shall change to an authorized working frequency for the transmission of traffic.

(d) Each of the specific frequencies between 2 Mc and 23 Mc designated in table 1-b of Appendix II to this part may be authorized in accordance with Appendix II as an assigned calling frequency for use by public or limited ship stations or, where specifically so indicated by Appendix II, by aircraft stations for establishing communication with stations of the maritime mobile service.

**§ 8.324 Frequencies for working.** (a) Each assigned frequency listed in §§ 8.321 (a) and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working"

(b) Ship and aircraft stations using telegraph and working on frequencies within the band 415 to 490 kc shall use whenever practicable, an authorized working frequency of which 425, 448, 454, 468 or 480 kc is the assigned frequency. The frequency 448 kc may be used in Region 2 only.

(c) The calling channel of which 500 kc is the assigned frequency may be used

for the transmission of distress, urgency, and safety messages; except for the applicable provisions of §§ 8.402 and 8.403 relative to radiolocation, any other use of this channel for working is prohibited.

(d) In so far as is practicable, ship station shall use frequency assignments within the high frequency-band (3000 to 23000 kc) only when other frequency assignments will not provide effective communication.

(e) In addition to the frequencies designated by paragraph (a) of this section for working, working frequencies are available for assignment, in accordance with Appendix II to this part, as follows:

(1) For use by ship stations (public or limited) on board passenger ships, and by aircraft stations for communication with stations of the maritime mobile service, each of the specific frequencies designated in table 1-a of Appendix II to this part in the following bands:

2065-2107 kc <sup>1</sup>	12400-12531 kc
4133-4177 kc	16530-16703 kc
6200-6265.5 kc	22070-22220 kc
8265-8354 kc	

<sup>1</sup>Frequencies in this band are not assignable to aircraft stations.

(2) For use by ship stations (public or limited) on board cargo ships, each of the specific frequencies designated in table 1-c of Appendix II to this part in the following bands:

2065-2107 kc	12501-12714 kc
4187-4238 kc	16748-16953 kc
6280.5-6367 kc	22270-22400 kc
8874-8476 kc	

(f) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit:

(1) On a telegraph working channel of a coast station within the band 110 to 150 kilocycles (except within the band 140 kc to 146 kc) when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the band 415 to 490 kc when directed to do so by the coast station for which the channel is authorized.

(g) (1) In addition to use of the frequency assignment designated for telegraphy in the license of a ship station, such station when communicating by telegraphy with a mobile or land station of the United States Government may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station assigned

frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency: *Provided*, That on frequencies below 160 kc and within the bands 2000 to 2850 kc and 17000 to 25000 kc the emission shall be class A1 only.

(2) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

**§ 8.325 Use of Morse Code required.** The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

**§ 8.326 Identification of stations.** All radiotelegraph emissions of a ship station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

**§ 8.327 Procedure in testing.** (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the service of a coast station or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on

that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 405-535 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE" any station indicates, by transmitting the signal "AS" (wait) that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 500 kc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on the frequency 500 kc, no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

**§ 8.328 Radiotelegraph operating procedure.** (a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 485 to 515 kc during each 500 kilocycles silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT)

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City 1947)

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof) 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947)

**§ 8.329 Station documents.** (a) All ship stations on board ships compulsorily fitted with a radiotelegraph installation shall be provided with the following documents:

- (1) A valid station license;
- (2) The necessary operator license or licenses;
- (3) The station log required by this part for stations of this category
- (4) The Alphabetical List of Call Signs;
- (5) The List of Coast Stations and Ship Stations;
- (6) The List of Radio Location Stations;

(7) The List of Stations performing Special Services;

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947) including Articles 23, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 44, and 45, as are necessary for the operation of the radiocommunication and radiolocation service on board ship;

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;

(10) Part 8 of this chapter.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2)

(3) (4) (5) and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

**§ 8.330 Station records.** (a) (1) Each ship station authorized to use telegraphy on frequencies within the band 90 to 535 kc shall maintain an accurate radiotelegraph log. The first page of each portion of the log covering each voyage shall consist of a "title page" which, upon completion of all entries for the particular voyage, shall contain the following information:

(i) Name of ship and call letters of ship station;

(ii) Period of time covered by such portion of the log;

(iii) Number of pages constituting such portion of the log;

(iv) A statement as to whether or not such portion of the log contains distress entries; if so, the pages containing such entries shall be designated;

(v) Operator's signature, mailing address, and radio operator license data (number, class, and date of issuance) In addition the log shall be maintained as follows:

(2) (i) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include the name of the vessel, official call letters of the ship station and the name of the operator on watch.

(ii) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received shall be entered, stating the time and frequencies, and the call letters of the station communicated with or heard. (If desired, the names of the stations or ships also may be entered.) In addition, a notation of any messages exchanged shall be entered stating the time, the frequency in kilocycles, and the call letters of the station(s) heard, or communicated with. (If desired, the names of the stations or ships also may

be entered.) In so far as possible, a positive entry with respect to reception on 500 kc shall be made at least once in each 15 minutes. The entries required by subparagraph (5) of this paragraph shall be acceptable as positive entries: *Provided*, Operating conditions are such as to prevent additional entries being made.

(4) The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),<sup>1</sup> except that in the Great Lakes region the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight) The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(5) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles during this period. If no signals are heard on 500 kc, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(6) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(7) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(8) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(9) An entry shall be made of the date and time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(10) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from

<sup>1</sup> For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

land or fixed stations shall be acceptable as standard time.

(11) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(12) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communications shall be entered.

(b) In addition to the radio log requirements stipulated in paragraph (a) of this section, the radio log of each ship station authorized to use telegraphy on frequencies within the band 90 to 535 kc, shall, when the ship is required by law and regulations to keep a radiotelegraph watch on 500 kc for safety purposes by means of a qualified operator, comply also with the following provisions:

(1) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(2) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on communication (other than a watch for safety purposes) stating the approximate period of time of such use.

(3) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such lifeboat equipment shall be entered.

(4) On a cargo vessel equipped with an auto-alarm, the entry "auto-alarm on" "sensitivity set at (The actual setting of the sensitivity control at the time the auto-alarm is placed in operation should be designated)" and the entry "auto-alarm off" respectively, shall be made whenever the operator places the auto-alarm in and out of operation. Results of the required auto-alarm tests shall be entered daily, including the sensitivity-control setting and the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(5) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospheric or other interference) remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating conditions.

(6) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the auto-alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or

whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto-alarm was restored to proper operating condition.

(7) A daily entry shall be made while the ship is at sea showing whether the storage batteries forming part of the main installation or the emergency installation were brought up to the normal full charged condition that day.

(8) Entries shall be made stating when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(9) Entries shall be made stating details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

(c) Each ship station authorized to use telegraphy, on frequencies above 550 kc exclusively (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States) shall maintain an accurate radiotelegraph log as prescribed in paragraph (a) of this section: *Provided*, That paragraph (a) (3) and (5) of this section shall, in this case, not be applicable.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to use telegraphy, on frequencies above 550 kc exclusively, shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communication; and any incidents or occurrences which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation of concurrence, designation of the frequency on which such transmissions were

received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed as follows:

(I) For vessels navigated on the Great Lakes:

Eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock beginning at midnight).<sup>2</sup> The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." shall be marked at the head of the column in which the time is entered.

(II) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (e. s. t., c. s. t., etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).<sup>2</sup> The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." or "c. s. t." etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

(e) In all ship stations authorized to transmit on frequencies within the band 405 to 535 kc, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 410 kc or 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

(f) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

#### SUBPART O—USE OF RADIOTELEPHONY

§ 8.351 *Assignable frequencies.* (a) Each of the specific frequencies in kilo-

<sup>2</sup> For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t.; 7:20 a. m. eastern standard time would be entered as 0720 e. s. t.; 6:45 p. m. eastern standard time would be entered as 1845 e. s. t.

cycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations employing telephony by means of amplitude modulation subject to and in accordance with the provisions of paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2003	2366	4101.5	8262.3
2009	2382	4115.3	12357.3
2031.5	2390	4122.2	12372.7
2118	2406	4129.1	12380.4
2126	2430	4372.4	12395.8
2134	2572	4402.5	16471.9
2142	2638	<sup>1</sup> 6240	16487.3
2158	2738	<sup>1</sup> 6455	16525.8
2166	2782	8198.4	16510.4
2182	2784	<sup>1</sup> 8205.5	22027.3
2198	2830	8212.6	22042.7
2206	4067	8219.7	22065.8
2214	4087.7	8248.1	

<sup>1</sup> Mississippi River System only.

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations or marine-utility stations on board ship employing telephony by means of either amplitude modulation or frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart, and Subpart E of this part:

35.06	35.10	35.14	35.18	43.02
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(c) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations and/or marine-utility stations as respectively designated herein which employ telephony by means of frequency modulation in Region 2 or by means of either frequency modulation or amplitude modulation in Regions 1 and 3, subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

(1) Available for ship stations and marine-utility stations:

156.3	156.5	156.7	156.9
156.4	156.6	156.8	157.0

(2) Available for ship stations only:

157.3	157.4
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(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph:

(1) Except for test purposes, the frequencies 2738 kc and 2830 kc may not be used or assigned unless the licensee or applicant therefor submits to the Commission a certification in accordance with the requirements of subparagraph (2) of this paragraph. Transmissions on these frequencies for such test purposes are limited to those necessary for making field intensity measurements to determine whether a particular transmitter complies, either before or after modification, with the requirements set forth in subparagraph (2) of this paragraph. In making such test transmis-

sions, the operating procedures set forth in § 8.365 shall be followed explicitly.

(2) The certification required by subparagraph (1) of this paragraph shall be that made by the manufacturer of the equipment or shall be signed by a person holding at least a second class radiotelephone operator license and shall show the number and class of such license. It shall state that by reason of tests or measurements of the transmitter therein described and performed by the certifier or under his supervision, it has been determined:

(i) That the level of any emission appearing on the second harmonic frequency of the particular carrier frequency desired to be used or assigned is attenuated below the level of the unmodulated carrier on that frequency by not less than the amount shown in the following table:

Maximum authorized transmitter power as specifically defined in § 8.7 (ii)	Attenuation (decibels) <sup>1</sup>
Up to and including 150 watts	40
Over 150 watts up to and including 600 watts	50
Over 600 watts	60

<sup>1</sup> This provision is promulgated as an emergency measure to reduce interference with outstanding equipment. Attention is invited to the more stringent requirements proposed in Docket 10887.

and

(ii) That the transmitter meets the foregoing requirements without modification or in the event that modification of the transmitter was found to be necessary, a specific description of such modification, including a description of any wave trap or device which was utilized.

(3) Except in event of distress, use of the frequency 2206 kc in the Great Lakes area by ship stations of the United States is prohibited.

(4) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(5) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government station.

(6) The frequency 2738 kc is authorized for use on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(7) Use of the frequency 4067 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(8) Use of the frequencies 6240 kc and 6455 kc, is authorized in the Mississippi River system upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(9) The frequency 4372.4 kc may be used by ship stations on the Mississippi River and connecting inland waters (except the Great Lakes) which are not licensed to transmit on 6240 kc and/or 6455 kc.

(10) The frequencies 4372.4 kc and 8205.5 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(11) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing ship station is capable of proper technical operation on that particular radio-channel preparatory to the conduct of normal service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

(e) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

§ 8.352 *Frequencies for use in distress.* (a) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. Subject to the provisions of paragraph (b) of this section, it may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Until such time as the frequency 2182 kc becomes guarded effectively for distress calls in United States areas other than the Great Lakes region, ship stations using telephony in event of distress only may call stations of the United States Coast Guard on the Government frequency 2670 kc. Transmission on the Government frequency 2670 kc for any purpose other than distress is strictly forbidden. In the Great Lakes region, the distress frequency 2182 kc is to be used at all times for radiotelephone distress calls and traffic.

NOTE: In the Great Lakes region, the frequency 2182 kc has been in use as the general radiotelephone calling frequency for several years, and its use in time of distress in that area has proven effective.

§ 8.353 *Frequencies for calling.* (a) The international general radio-telephone calling frequency for the maritime mobile service is 2182 kc. It may be used as a carrier frequency for this purpose by ship stations and aircraft stations operating in the maritime mobile service:

(1) In addition this frequency may be used for transmission of:

(i) The international urgency signal, and very urgent messages (preceded by

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency <sup>1</sup>		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use <sup>2</sup>	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306 (b) of this chapter <sup>3</sup>
New York, N. Y.	2100 4087.7 4129.1 4101.5	None None. Available for use annually during period Dec 16 to Mar 16 None	2559 4009.9 4131.5 4762.5	None None. Available for use annually during period Dec 16 to Mar 16 None
Wilmington, Del.	2100	None	2553	None
Norfolk-Quantico, Va.	2142	None	2533	None
Charleston, S. C.-Jacksonville, Fla.	2300	None	2560	None
Miami, Fla.	2031.5 2118	Day only <sup>4</sup> . No limitation until a date to be designated by the carrier for the service of any coast station located in the vicinity of that port Dec 16 to Apr 1, annually	2100 2614	Day only <sup>3</sup> . Beginning for this location on a 24-hour basis (1) January 1, 1955, and day only from April 1 to Dec 16, annually
Tampa, Fla.	2133	Unlimited from Dec. 16 to Apr. 1, annually and day only from Apr. 1 to Dec. 16, annually; on condition that harmful interference is not caused to the service of any ship station which is within 200 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port	2550	Day only <sup>3</sup> . Beginning for this location on a 24-hour basis (1) January 1, 1955, and day only from April 1 to Dec 16, annually; (2) day only from Apr. 1 to Dec. 16, annually; (3) unlimited hours of use from Dec 16 to Apr. 1, annually. Unlimited from Dec. 16 to Apr. 1, annually, and day only from Apr. 1 to Dec. 16, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier is assigned for transmission
Mobile Ala.	2172 2159	Day only <sup>3</sup> . No limitation until 2000 kc be made available for this location on a 24-hour basis thereafter until limited from Dec. 16 to Apr. 1, annually, and day only from Apr. 1 to Dec. 16, annually	2172 2159	Day only <sup>3</sup> . No limitation until 2000 kc be made available for this location on a 24-hour basis thereafter until limited from Dec. 16 to Apr. 1, annually, and day only from Apr. 1 to Dec. 16, annually
New Orleans, La.	2203 2163	None. Day only	2553 2553	None. Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile Ala., to which the carrier frequency 2572 kc is assigned for transmission
Galveston, Tex.	2252 2134 2160	None None Day only; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port <sup>5</sup>	2152 2134 2160	None None Day only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., or Lurela, Calif., to which this carrier frequency is assigned for transmission
San Juan, P. R.	2134	None	2230	None
Great Lakes	2173	None	2550	Subject to applicable provisions of § 7.304 (d)

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. Use of this frequency by ship stations of the United States, however, is subject to the provisions of § 8.359 (c).

§ 8.354. Frequencies below 5000 kc for public correspondence. (a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith: ship stations shall use the radio channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations located at or in the vicinity of, the specific harbors, ports or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(ii) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings.

(iii) Brief radio operating signals.

(iv) Brief test signals in accordance with the provisions of § 8.365 as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

(2) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the mean antenna power of the unmodulated carrier wave shall not exceed 100 watts.

NOTE: As prescribed in paragraph 2 Article 3, of the Inter American Radio Agreement, Washington 1949, Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947 states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation." (In general, a time of one tenth second during which the mean power is a maximum, will be selected.)

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency <sup>1</sup>		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use <sup>2</sup>	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306 (b) of this chapter <sup>3</sup>
Boston, Mass.	2163 2163	None. Day only; available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency <sup>4</sup> . Available beginning on a date to be designated, as replacement for 2163 kc <sup>5</sup> .	2203 2203	None. Day only; available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency <sup>4</sup> . Available beginning on a date to be designated, as replacement for 2203 kc <sup>5</sup> .
New York, N. Y.	2123 2163 2163	None. Available beginning on a date to be designated, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port <sup>5</sup> .	2203 2163 2163	None. Available beginning on a date to be designated, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port <sup>5</sup> .

See footnotes at end of table



coast station areas designated herein, on a specific beginning date to be designated in future rule making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service. This carrier frequency is to be withdrawn by the Commission from availability for this use by the maritime mobile service for ship shore communication in respect to the particular coast station area designated herein for this frequency, on a specific date to be designated in future rule making as soon as practicable after the associated replacement frequency designated herein is made available by the Commission for use in this service.

<sup>1</sup> Pending clearance for use on a 24 hour basis

(2) Frequencies available for use when the mobile station and the coast station transmit alternately on the same radio channel:

For communication with coast stations located in the vicinity of—	Carrier frequency (kc) <sup>1</sup>	Specific limitations imposed upon availability for use
Chicago, Ill.: Pittsburgh, Pa.; Louisville Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes)	2732 4007 4372 4 6212 6455	None Subject to applicable provisions of paragraph (d) Do Do Do
Mobile, Ala.	2572	Not available for ship stations after Dec 31 1955
Lake Dallas Tex.; Lake Texoma, Tex.	2738	None
Lake Mead, Nev. and other locations as required to serve vessels on inland waters of the south western continental United States	2782	The use of this frequency in areas other than Lake Mead, Nev. is subject to the condition that harmful interference is not caused to the service of any other station
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the northwestern continental United States	2784	The use of this frequency in the vicinity of other than The Dalles, Oreg. and Umatilla, Oreg. is subject to the condition that harmful interference is not caused to the service of any other station

<sup>1</sup> These frequencies are those which may be designated in applications for ship station authorizations

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 351 (d). Further, and in so far as is practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication

Ship station transmitting carrier frequency (kc)	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc)
8198 4 8216 7 8219 2 8269 3 12357 3 12372 7 12380 4 12395 8 16471 9 16487 3 16510 4 16524 8 22027 3 22042 7 22065 8	San Francisco Calif Hawaii New York N Y do do San Francisco Calif San Francisco Calif New York N Y Hawaii New York N Y New York N Y San Francisco Calif do San Francisco Calif New York, N Y	8747 6 8800 9 8808 9 8811 2 13171 9 13172 9 13182 6 13198 0 17302 1 17307 1 17317 5 17340 8 17356 0 22577 5 22592 9 22716 0

<sup>1</sup> These frequencies are those which may be designated in applications for ship station authorizations

(2) Frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different radio-channels

(1) Frequencies authorized for use by ship stations on board oceangoing vessels primarily for long-distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart these

§ 355 Frequencies from 5000 kc to 30 Mc for public correspondence (a)

Carrier frequencies within the band 5000 kc to 30 Mc which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) Frequencies authorized for use by ship stations on board oceangoing vessels primarily for long-distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart these

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency <sup>1</sup>	Associated coast station carrier frequency
	Fre quency (kc)	Fre quency (kc)
Great Lakes	2118 4115 3 4120 1	2514 4420 7 4431 5
Los Angeles-San Diego Calif	2009 2332	2566 2466
	2206 2126	2598 2522
San Francisco-Eureka Calif	2106 2003	2586 2450
Astoria-Portland Oreg	2142 4057	2638 4372 4
Seattle Wash	2306 2309	2598 2566
	2126 2430	2592 2482
Kahuku T. H	2134 4402 5	2330 4420 7
Hilo T. H	2168	2582
Palmyra Island, T. H	2134	2330

<sup>1</sup> These frequencies are those which may be designated in applications for ship station authorizations.

\* With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a. m. eastern standard time.

This carrier frequency is to be made available by the Commission, for use on a 24-hour basis except where specific hours of use are designated by the maritime mobile service for ship-shore communication in respect to the particular

Ship stations shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

Ship station transmitting carrier frequency	Ship station receiving carrier frequency
8248.1 kc	8797.3 kc

(3) Frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes) exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes) when the ship station and the coast stations transmit alternately on the same radio-channel:

6240 kc	6455 kc	8205.5 kc
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(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 8.351 (d). Further, insofar as is practicable, ship stations shall use frequency assignments within the band 5000 kc to 30 Mc only when frequency assignments below 5000 kc or above 30 Mc will not provide effective communication.

§ 8.356 *Frequencies above 30 Mc for public correspondence.* (a) Carrier frequencies above 156 Mc which are authorized for use by public ship stations employing telephony by means of frequency modulation (or in Regions 1 and 3, amplitude modulation when required) for the transmission of public correspondence exclusively, are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) For ship station transmission to public coast stations when the same radio-channel is used for transmission by the coast station (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) in areas where interference is not caused to the use of either of these frequencies by ship stations working as contemplated under subparagraph (2) of this paragraph:

157.3 Mc and 157.4 Mc

(2) For transmission to public coast stations when a different radio-channel is used for transmission by the coast station:

For ship station transmission	For ship station reception
157.3 Mc	162.0 Mc
157.4 Mc <sup>1</sup>	161.9 Mc <sup>1</sup>

<sup>1</sup> In accordance with arrangements between the United States and certain foreign countries.

(b) (1) Carrier frequencies within the band 30 Mc to 40 Mc which, subject to and in accordance with the conditions and limitations hereinafter set forth in this paragraph are authorized for use by public ship stations employing telephony by means of either frequency modulation or amplitude modulation for transmission and reception of public correspond-

ence exclusively on the same radio-channel, only when communicating with public coast stations licensed to transmit on frequencies within this band prior to the effective date of this section and located within the vicinity of the respective harbor(s) port(s) or place(s) designated herein opposite the particular carrier frequency.

For communication only with coast stations within the vicinity of—

Carrier frequency:	
35.14 Mc-----	Philadelphia, Pa.
35.18 Mc-----	Great Lakes region.

(2) Each of these carrier frequencies is available for use on a shared basis with limited coast stations, limited ship stations, marine-utility stations and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public ship station licenses or renewal or modification of such licenses whose applications request authority to transmit on 35.14 Mc or 35.18 Mc for the purpose of communicating with public coast stations as specifically set forth in this section, may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Ship stations (except stations operating under appropriate licenses granted prior to the effective date of this paragraph) shall not use the carrier frequencies 35.14 Mc or 35.18 Mc for public correspondence unless such stations are specifically authorized to do so by the terms of the respective ship station license. Notwithstanding the provisions of Subpart M of this part, ship stations shall not be classified as public ship stations because of their authority to transmit on 35.14 Mc and/or 35.18 Mc, unless they are specifically authorized by the terms of their station licenses to use these carrier frequencies for public correspondence as prescribed in this section.

§ 8.357 *Additional frequencies for public correspondence.* In addition to the radio channels designated in this part or in the license of a public ship station for public correspondence by means of telephony, such station, when working by telephony with a foreign coast station for this purpose may, on condition that interference shall not be caused to the service of any station which in the discretion of the Commission may have priority on the involved radio-channel(s), transmit to such coast station when directed to do so by that station on a specific frequency assignment designated by the coast station for the service being carried on.

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies below 3000 kc authorized for working between ship stations employing telephony for transmission and reception on the same radio-channel by means of

amplitude modulation, primarily for safety communication, are designated herewith. The transmission of other than safety communication on these radio-channels is authorized upon condition that interference is not caused to safety communication. However, the use of these carrier frequencies for public correspondence between ship stations is prohibited. Their use is also prohibited when the use of a licensed frequency above 30 Mc in lieu thereof would provide effective communication. Their use shall be in accordance with respective geographic areas as follows:

Frequency (kc)	Geographic area in which use is authorized
2033--	Great Lakes only.
2738--	All areas except the Great Lakes and area where 2330 kc is authorized.
2330--	The Gulf of Mexico.
2038--	All areas.

(b) Insofar as practicable, the use of the frequency 2638 kc shall be confined to safety communication. Use of the frequency for other communications is restricted to that necessary for the safe, expeditious or economical operation of ships.

(c) The geographic limitations relating to the frequencies 2738 kc and 2330 kc shall not apply in event of distress or emergency nor shall they prohibit ship-to-ship communication over any distance less than 200 statute miles when only one of the ship stations is within a geographic area in which use of the respective frequency is permissible.

§ 8.359 *Frequencies above 156 Mc for safety purposes.* (a) Carrier frequencies which are authorized for use by ship stations and by marine-utility stations on board ship, employing telephony for transmission and reception on the same radio-channel by means of frequency modulation (or by means of amplitude modulation in Regions 1 and 3 when required) primarily for the transmission of safety communication, are designated herewith:

150.8 Mc: For calling and safety; available for any ship station or marine-utility station on board ship in any area.

150.3 Mc: For intership (ship-to-ship) communication exclusively; available for any ship station or marine-utility station on board ship in any area.

150.7 Mc: In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radio-location service; in the Great Lakes area—for intership (ship-to-ship) communication exclusively. Available for any ship station or marine-utility station on board ship in any area.

157.0 Mc: For intership (ship-to-ship) communication exclusively; for this purpose available only for ship stations and marine-utility stations on board commercial transport vessels and vessels of municipal or state governments for use exclusively on the Great Lakes, the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set

forth in paragraphs (b) through (f) of this section.

(b) The carrier frequency 156.7 Mc or 157.0 Mc is assignable to ship stations and marine-utility stations on board ship, for ship-to-ship communication on the Great Lakes (and 157.0 Mc on the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway) only when such stations are capable also of transmitting and receiving on the intership radio-channel of which 156.3 Mc is the authorized carrier frequency, and are authorized to communicate on that radio-channel. (One application, however, may be submitted when this requirement is fulfilled, for ship station license for initial authority to transmit for this purpose on 156.3 Mc and either 156.7 Mc or 157.0 Mc or both the latter frequencies.) The requirement of this paragraph shall not apply to a marine-utility station when the ship station on board the same vessel complies therewith.

(c) (1) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes in ship-to-ship and ship-shore communication. It may be used when appropriate by ship stations and marine-utility stations on board ship employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(2) In accordance with the provisions of subparagraph (1) of this paragraph, this radio-channel may be used by ship stations and marine-utility stations on board ship for:

(i) Call, reply, and the exchange of brief operating signals;

(ii) Operating signals preparatory to message traffic on a different radio-channel;

(iii) The transmission from ship to ship of brief messages within the category of safety communication.

(3) The use of this radio-channel by ship stations, or marine-utility stations on board ship, for transmission not strictly in accordance with subparagraphs (1) and (2) of this paragraph is prohibited unless the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land. Under the latter circumstances, this radio-channel may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships.

(d) The radio-channel of which 156.3 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. When a ship station or a marine-utility station on board ship is authorized to transmit on one radio-channel only (within the frequency-band 156.25 Mc to 157.45 Mc) exclusively for intership communication, the authorized carrier frequency of such intership radio-channel shall, in all cases, be 156.3 Mc: *Provided*, This condition shall not apply to a marine-utility station on board ship when the ship station on board the same vessel is authorized to transmit on the assigned fre-

quency 156.3 Mc. This radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondly, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(e) The radio-channel of which 157.0 Mc is the authorized carrier frequency is designated, with respect to its use by ship stations and marine-utility stations on board ship on the Great Lakes, Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway exclusively for intership communications. Its use for intership communication is authorized for stations on board commercial transport vessels and vessels of municipal or state governments only. For intership communication, this radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondly, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(f) (1) Except in the Great Lakes area, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated primarily for communication with limited coast stations when such communication is essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area. In areas where this carrier frequency is assigned for this function, its use as a communication facility for purposes of radiolocation shall have absolute priority over any other use except for distress. In areas (other than the Great Lakes) where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for any communication of benefit to the operation of commercial transport vessels, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(2) In the Great Lakes area only, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. It may be used for stations on board any class of vessel for safety communication and communication necessary for the operational and business needs of ships.

§ 8.360 *Frequencies above 156 Mc for business and operational purposes.* (a) Carrier frequencies which are authorized for use by ship stations and marine-utility stations employing telephony by means of frequency modulation (or amplitude modulation in Regions 1 and 3 when required) for transmission and reception on the same radio-channel, are designated herewith; these carrier frequencies (except where intership use only is specified) are authorized primarily for communication with limited

coast stations and marine-utility stations on shore, and secondarily with ship stations and marine-utility stations on board ship:

156.4 Mc: All areas.<sup>1</sup>

156.5 Mc: All areas.<sup>1</sup>

156.6 Mc: All areas; <sup>1</sup> except that on Great Lakes limited to intership and communication with government stations concerning passage of vessels through locks.

156.9 Mc: All areas.

157.0 Mc: All areas, except not available for ship-shore communication on the Great Lakes, the Mississippi River or any tributary thereof, the Gulf of Mexico Intracoastal Waterway, nor any location within 100 statute miles of any portion of these waters.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in paragraphs (b) through (i) of this section.

(b) Each of the radio-channels of which the frequencies designated in paragraph (a) of this section are the authorized carrier frequencies is available on a shared basis only to serve the business and operational needs of ships and they shall not be construed as available for the exclusive use of any one station licensee or any specific ship or ships. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(c) For all areas other than the Great Lakes area, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily within harbor or port areas:

156.4 Mc

156.5 Mc

157.0 Mc subject to the limitation specified in paragraph (a) of this section.

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navigated primarily outside harbor or port areas:

156.5 Mc

When such vessels have need for an additional radio-channel for use within harbor or port areas, one or more of the carrier frequencies specified in other subparagraphs of this paragraph may be additionally assigned.

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for

<sup>1</sup>In accordance with arrangements between the United States and certain foreign countries.

communication concerning the passage of vessels through locks under governmental control:

#### 156.6 Mc

(4) For assignment primarily to ship stations on board pilot vessels, normally stationed at the entrance to a harbor or port, and secondarily for assignment to other classes of commercial transport vessels for use in each case in accordance with the provisions of paragraph (f) of this section:

#### 156.9 Mc

(d) For the Great Lakes area only, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments, which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock) between established marine terminals:

#### 156.4 Mc

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navigated primarily outside harbor or port areas and commercial transport vessels used in the fishing industry:

#### 156.5 Mc

(3) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used in marine construction activities:

#### 156.5 Mc

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with government stations concerning the passage of vessels through locks under governmental control:

#### 156.6 Mc

(5) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are classified as tugs or tugboats:

#### 156.9 Mc

(e) The carrier frequency 156.6 Mc is authorized for use within, or within the vicinity of, all harbor or port areas primarily for communication concerning port operations; in such areas it may be used additionally, on a secondary basis, to serve other business and operational needs of ships upon the express condition that such secondary use shall not interfere with nor delay the exchange of port operational message traffic.

(f) The carrier frequency 156.9 Mc is authorized primarily for use by pilot vessels, normally stationed at the en-

trance to a harbor or port, that regularly supply information (via one or more limited coast stations using this carrier frequency for such communication) to marine interests on shore concerning the arrival and departure of ships moving to and from that harbor or port. This carrier frequency may be assigned, in areas where its use is not required for the foregoing purpose, for any communication of benefit to the operation of commercial transport vessels.

(g) In order to avoid interference in certain geographic areas to the use of an exclusive intership radio-channel of which 157.0 Mc is the authorized carrier frequency, the use of this carrier frequency for ship-shore communication is prohibited (except for distress purposes) on the Great Lakes, the Mississippi River and tributaries, the Gulf of Mexico Intracoastal Waterway, and at any location within 100 statute miles of any portion of those waters.

(h) All communication on any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency shall be limited solely to safety communication and communication necessary for the operational and business needs of ships; in particular, communication of a personal nature not relative to safety or the operational or business needs of ships is strictly forbidden. Whenever these radio-channels are used on a secondary basis for ship-to-ship communication, such use shall not willfully interfere with nor delay any communication between ship and shore.

(i) Notwithstanding any of the provisions of this section, any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships when the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land.

#### § 8.361 Frequencies within the band 30 to 50 Mc for general communication.

(a) Carrier frequencies which are authorized for any communication necessary for the safe, expeditious or economical operation of ships (other than public correspondence) for use by ship stations and marine-utility stations on board ship employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel are designated herewith:

Carrier frequency:	Normal geographic area of use
35.06 Mc----	Gulf-Caribbean area north of 15° north latitude (includes Puerto Rico and Virgin Islands, does not include Florida east coast area).
35.10 Mc----	Pacific area within Region 2 and north of 15° north latitude.
35.14 Mc----	Atlantic area within Region 2 and north of 15° north latitude (includes Florida east coast area).
35.18 Mc----	Mid-continent area (includes Great Lakes).

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(b) Each application which requests assignment of a carrier frequency designated in paragraph (a) of this section shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the station is to be operated. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (a) of this section for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not, or will not be, clearly within one of the geographic areas designated in paragraph (a) of this section, the applicant shall obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

(c) Each of these carrier frequencies is assignable for communication (other than public correspondence) by means of telephony with limited coast stations, ship stations, and marine-utility stations on ship or shore, which for this purpose transmit on the same radio-channel. In addition, when required to serve a maritime purpose, each of these carrier frequencies is assignable in accordance with the geographic areas specified in paragraph (a) of this section for use by mobile stations on board aircraft at sea for communication by telephony with ship stations, limited coast stations, and marine-utility stations on board ship, when each of the involved stations transmits and receives on the same radio-channel; subject to this provision, ship stations and marine-utility stations are authorized to communicate additionally on such radio-channel(s) with mobile stations on board aircraft appropriately licensed for this purpose. Such stations on board aircraft shall be governed in the use of any of these frequency assignments by the same rules and regulations that apply to ship stations using the same frequency assignment.

(d) The carrier frequency 43.02 Mc may be authorized for use by ship stations employing telephony by means of either amplitude modulation or frequency modulation for ship-to-ship communication exclusively at locations or in areas (primarily outside the continental United States) where, as the result of transmission by ship stations on the radio-channel of which this frequency is the authorized carrier frequency, interference is not caused to any other service operating on the same or adjacent radio-channels.

§ 8.362 Frequencies below 3000 kc for business, operational and safety purposes. (a) The frequencies 2733 kc,

2830 kc and 2214 kc may be utilized on a shared basis with other ship stations for business and operational communication with limited coast stations if the limited coast station, in accordance with the applicable provisions of § 7.365 of this chapter, has been specifically authorized to engage in such communication: *Provided, That:*

(1) With respect to the frequency 2214 kc, specific authorization for such use must be obtained, in which event intership use of the frequency between such ship stations is also authorized.

(2) Use of any of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365 of this chapter.

(b) [Reserved.]

(c) [Reserved.]

(d) (1) In addition to availability of the carrier frequencies 2738 kc, and 2830 kc, primarily for intership communication as prescribed in § 8.358, either of these carrier frequencies may, in response to proper application therefor, be specifically authorized in private aircraft station licenses for communication (in areas where their use is authorized for ship stations using telephony as prescribed in § 8.358) by means of telephony (amplitude modulation) with a ship station or stations: *Provided,*

(i) The applicant makes a showing satisfactory to the Commission that such communication is necessary to serve an important business or operational need of each particular ship while such ship is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(ii) Harmful interference is not caused to ship-to-ship communications; and

(iii) The maximum plate input power used for such communication shall not exceed 50 watts; and

(iv) The aircraft-to-ship and ship-to-aircraft communication which takes place on the radio-channel of which either 2738 kc or 2830 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located while such vessel is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(v) Except as otherwise provided in this paragraph, all of the provisions of this part in respect to authorization and use of the carrier frequencies 2738 kc and 2830 kc for ship-to-ship communication shall apply to all aircraft stations when operating under the provisions of this paragraph.

(2) As an alternative to one of the specific carrier frequencies designated in subparagraph (1) of this paragraph, the carrier frequency 2638 kc may be authorized in accordance with all other provisions of this paragraph only in behalf of those private aircraft stations which were licensed prior to July 23, 1951, to transmit on this carrier frequency for communication by telephony

with ship stations for the purpose expressed in this paragraph.

§ 8.363 *Use of U. S. Government frequencies for telephony.* (a) In addition to use of the frequency assignment designated for telephony in the license of a ship station, such station when communicating by telephony with a mobile or land station of the United States Government, may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station carrier frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency.

(b) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 8.364 *Identification of station.* (a) All radiotelephone emission of a ship station or a marine-utility station on board a ship shall be clearly identified by transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. This identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a), and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

§ 8.365 *Procedure in testing.* (a) Ship stations must use every precaution

to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur;

(2) The official call sign of the testing station, followed by the word "test" shall be announced on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, \* \* \* etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding ten seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 2182 kc or 156.8 Mc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc, within the band 156.75 Mc to 156.85 Mc, within the band 480 kc to 510 kc (lifeboat transmitters only) or within the band 8362 kc to 8366 kc (lifeboat transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Lifeboat stations using telephony shall not be tested on the assigned frequency 500 kc during the 500 kc silent periods.

§ 8.366 *General radiotelephone operating procedure—(a) Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety



messages, a ship station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of one minute. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(3) The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

**(b) Use of calling frequency required.**

(1) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations in the Great Lakes area, before transmitting on the intership radio-channel of which 2003 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(2) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations, before transmitting on the intership radio-channel of which 2638, 2738, or 2830 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(3) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, the radio-channel of which 156.8 Mc is the authorized carrier frequency shall be used for call and reply by ship stations and marine-utility stations on board ship before establishing ship-to-ship communication on the radio-channel of which the authorized carrier frequency is, in all areas, 156.3 Mc; in the Great Lakes area 156.7 Mc or 157.0 Mc; and on the Mississippi River and tributaries and the Gulf of Mexico Intracoastal Waterway 157.0 Mc: *Provided*, That this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel.

**(c) Calling coast stations.** (1) Use of the carrier frequency 2182 kc by ship stations for calling coast stations, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(2) Use of the carrier frequency 156.8 Mc by ship stations and marine-utility stations on board ship for calling coast stations and marine-utility stations on shore, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be

made on a ship-shore radio-channel authorized primarily for working.

**(d) Time limitation on calling frequencies and adjacent working frequencies.** (1) Transmission by ship stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(2) Transmission by ship stations, when in Region I, is prohibited on any frequency (including 2182 kc) in the band 2167-2197 kc during the two three-minute periods in each hour which commence at xh00 and xh30, Greenwich mean time (G. m. t.), *Provided*, That this requirement is not applicable to the transmission of distress signals, distress traffic, urgency and safety signals, and messages preceded by the urgency or safety signal.

**(e) Change to working frequency.** After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, stations on board ship shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channels.

**(f) Shared use of 2003, 2638, 2738, and 2830 kc.** (1) In regions of heavy radio traffic, any one exchange of communications between any two mobile stations on the radio-channel of which 2003, 2638, 2738, or 2830 kc is the authorized carrier frequency, or between a ship station and a limited coast station on the 2738 or 2830 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638, 2738, or 2830 kc channel shall not be used again for communication between the same two stations until 5 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(2) All transmission on the radio-channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies by two or more stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these channels. For this purpose, the stations involved shall transmit and receive on the same channel: *Provided*, That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of single-channel communication cannot be used.

**(g) Authorized use of 2003, 2638, 2738, and 2830 kc.** The radio channel of which 2003, 2638, 2738, and 2830 kc are the authorized carrier frequencies, shall be used by mobile stations particularly in accordance with the provisions of §§ 8.176, 8.177 (b) and 8.358. Communications which appear to be for a solely personal or social purpose, not relating in

any way to safety or to a maritime purpose, may be construed by the Commission, with respect to the authorized use of these radio channels, to be superfluous communication as defined in § 8.6 (b) and as prohibited under the provisions of § 8.178.

**(h) Limitation on business and operational traffic.** All ship-to-ship communication and communication with limited coast stations and marine-utility stations on shore engaged in by ship stations and marine-utility stations on board ship shall be limited, on radio-channels above 30 Mc, to the minimum practicable transmission time. In the conduct of ship-shore communication (other than distress) stations on board ship shall comply with instructions given by the limited coast station or marine-utility station on shore, with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

**§ 8.367 Station documents.** (a) Ship stations using telephony, but not authorized to employ telegraphy except for calling purposes incidental to the use of telephony shall be provided with the documents hereinafter specified:

(1) Ship stations on board vessels engaged on international voyages other than those voyages designated in subparagraph (2) of this paragraph:

(i) A valid station license;

(ii) The necessary operator license or licenses;

(iii) The station log required by this part for stations of this category;

(iv) The Alphabetical List of Call Signs;

(v) The List of Coast Stations and Ship Stations;

(vi) Part 8 of this chapter.

(2) Ship stations on board vessels not navigated on international voyages or engaged on international voyages solely on inland waters of the United States and Canada, including the Great Lakes; the documents listed in subparagraph (1) (i), (iii) and (vi) of this paragraph.

**§ 8.368 Station records.** (a) Ship stations using telephony shall maintain an accurate radio telephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call sign of the ship station, and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the radiotelephone transmitting apparatus. The use of initials or signs in lieu of the operator's signature is not authorized.

(2) Except as provided otherwise in subparagraph (3) of this paragraph, the date and time of making each entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (G. m. t.) as follows: The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "G. m. t." shall be

marked at the head of the column in which the time is entered.

(3) As an alternative to the use of Greenwich mean time in making entries as specified in subparagraph (2) of this paragraph, ship stations on board vessels not engaged on international voyages or while navigated on the Great Lakes or inland waters of the United States, may express the time of each entry in local standard time (e. s. t., c. s. t., etc., counted from 0000 to 2400 o'clock, beginning at midnight) with the appropriate abbreviation "e. s. t.," "c. s. t.," etc., entered at the head of the column in which time is entered: *Provided*, That in the Great Lakes area, eastern standard time (e. s. t.) exclusively may be used as the only alternative to Greenwich mean time. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation.

**NOTE:** For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t., 7:30 a. m. eastern standard time would be entered as 0730 e. s. t., 7:45 p. m. eastern standard time would be entered as 1945 e. s. t.

(4) Except when transmission occurs on a frequency above 30 Mc and the ship station is on inland waters of the United States other than in the Great Lakes area, all radiotelephone distress, urgency or safety signals and communications made or intercepted; a summary, if possible, of such communications; and any information which may appear to be of importance to maritime safety shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. In addition, the ship's own position and the distance from the distressed ship or other mobile unit, if obtainable, shall be entered. These entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) With respect to ship stations which, by reason of the provisions of § 8.202, § 8.203 or § 8.223, are required to keep a watch on the radiotelephone calling and distress frequency, 2182 kc, entries shall be made showing each time this watch is begun, suspended, or concluded, without any requirement, however, of making entries solely to show interruption of this listening due to authorized communication with other stations. The required entries shall be made by a licensed operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries and each person who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(6) A summary of communications exchanged between the ship station and mobile stations or land stations (except

public coast stations in the United States) shall be entered when:

(i) Communication with a foreign station occurs; or

(ii) Transmission occurs on a radio-channel below 30 Mc; or

(iii) Transmission occurs on a frequency above 30 Mc and the ship station is within the territorial waters of a foreign country (except in the Great Lakes area) or is at sea within less than 150 nautical miles of a foreign country; or

(iv) The entries prescribed in this subparagraph shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(7) An entry shall be made giving pertinent details of all installations, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full-time basis at the station and his operator license is properly posted, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(8) In the case of ship stations required to be equipped for radiotelephony by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, the following additional entries shall be made by a qualified operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries shall appear in the log and be properly related to the particular entry:

(i) The time when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge.

(ii) Results of any tests of the required radiotelephone installation including hydrometer readings of lead-acid storage batteries and voltage readings of other types of batteries provided as part of that installation.

(iii) A daily entry showing the operating condition of the required radiotelephone equipment as determined by either normal communication or the test communication required by § 8.534.

(iv) Results of inspections and tests made pursuant to § 8.520 (g) of any lifeboat radio equipment which is compulsorily provided in compliance with requirements of law.

(b) Marine-utility stations on board ship shall maintain an accurate radiotelephone log during their hours of service as follows:

(i) Each sheet of the log shall be numbered in sequence, shall include the general geographic area of navigation of the vessel upon which the station is operated, the name of the vessel, official call sign of the marine-utility station and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the marine-utility station (the use of initials

or signs in lieu of signatures is not authorized)

(2) Appropriate entries shall be made in the log giving pertinent details of all installations, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full time basis at the station and his operator license is properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(c) With respect to ship stations of the United States subject to the Great Lakes Agreement, entries required by paragraph (a) of this section shall be made by an officer or crew member on board who has been certified as required by Article 7 of the Agreement, or by a person on duty listening as required by Article 7 of the Agreement, or by a licensed or certificated deck officer. The log shall include the name (and title if held) of the person making an entry properly related to each entry. Entries shall be made as soon as practicable after the observed occurrence, and the time thereof shall be specified in eastern standard time. The station log required by paragraph (a) shall include the following additional entries:

(1) The official number of the vessel;

(2) The name and radio certificate number of each officer and crew member assigned to the vessel who has been certified as required by Article 7 of the Great Lakes Agreement and designated by the Master to operate the radiotelephone installation;

(3) A record of charging of any storage batteries which are necessary for the proper operation of the required radiotelephone installation;

(4) A daily record of the results of the determination of the operating condition of the radiotelephone installation required by § 8.541.

§ 8.369 *Operation under interim ship station license.* (a) The use and operation of a station on board ship under the authority conferred by an interim ship station license shall be subject to and in accordance with all applicable rules of the Commission: *Provided*, That the class of station, the use of frequencies, the class of emission, and the transmitting equipment shall be limited at all times under such license to the authorization hereinafter designated:

(1) Class of ship station:

(i) Public, if equipped to operate on one or more of the frequencies designated by this section for transmission to public coast stations;

(ii) Limited, if not equipped to operate as prescribed in (i) above;

(2) Authorized carrier frequencies in kilocycles:

(i) 2182 for calling and distress;

(ii) For ship-to-ship communication:

2638 For use in all areas;

2738 For use in all areas except the Great Lakes and the Gulf of Mexico; provided that, unless a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d).

2830 For use in the Gulf of Mexico; provided that, unless a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d);

2003 For use on the Great Lakes exclusively.

(iii) The frequencies below 3500 kc which are authorized by § 8.354 of this part for transmission from ship stations to public coast stations in designated geographic areas as set forth in that section;

(3) Authorized classes of emission: A3; and for brief operating signals A2;

(4) Equipment: The particular equipment which is described in the related formal application filed for regular ship station license or modification of license, and which is capable of being operated with class A3 emission in accordance with all applicable rules and regulations on one or more radio-channels of which the authorized carrier frequencies are designated by this section.

#### SUBPART P—USE OF RADIOLOCATION

§ 8.401 *Assignable frequencies for direction-finding.* (a) The frequency 410 kc is the assigned frequency for direction finding.

(b) As an exception, on condition that signals of distress, urgency and safety, and calls and answers, are not interfered with, the calling channel of which 500 kc is the assigned frequency may be used additionally and with discretion, by ship stations for direction-finding; exclusively in Regions 1 and 3 outside areas of heavy radio traffic.

(c) In the event of distress, the following frequencies may be used for radiolocation for purposes of search and rescue by any licensed station on board ship, without regard to whether or not these frequencies are designated in the station license:

410 kc	2182 kc
500 kc	8364 kc

§ 8.402 *Use of direction-finding frequency.* Except in event of distress, transmission on the direction-finding frequency (410 kc as designated in § 8.401) is permissible only when authorized by the terms of the station license. The operating procedure used shall comply with that set forth in the International Radio Regulations applicable to the use of this frequency: the exchange of signals and communications on this frequency by means of radiotelegraphy which is a necessary adjunct to direction-finding, together with the actual process of direction-finding, constitutes a maritime radionavigation service.

§ 8.403 *Radiolocation by cable-repair ship.* Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated (outside the territorial waters of a foreign-country) on such radio-channels within the band 285–325 kc (285–315 Mc only in Region 1)

as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts, *Provided*, That interference shall not be caused by such operation to any maritime radionavigation service. The call-signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.

§ 8.404 *Assignable frequencies above 2400 Mc.* (a) The following frequency-bands are authorized for use by ship-radiolocation stations (including ship-radar stations) in the maritime radionavigation service (the associated transmitting frequencies of U. S. Government radar beacons (racons) are, respectively, as follows: 3256, 5450, and 9310 megacycles) the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than ship-radar stations, the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization.

3000 Mc to 3246 Mc  
5400 Mc to 5650 Mc  
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by ship-radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power shall be designated in each instrument of authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc  
5400 Mc to 5650 Mc  
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 8.405 *Special provisions applicable to ship-radar stations.* (a) Every ship-radar station licensed, prior to the effective date of this section, in the former "ship service" shall, subsequent to the effective date of this section, be regarded as licensed in the maritime radionavigation service and the use and operation of such stations shall be governed accordingly.

(b) Each ship-radar station installation the manufacture of which was com-

pleted on or after 1947 shall be furnished with a durable name plate with the manufacturer's name, transmitter model number; and month and year of completion of manufacture permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal radar operating position or to some other component of the radar installation which is readily accessible for inspection.

(c) Each ship-radar station license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law, and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

(d) The following provisions shall apply to ship-radar stations:

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and date thereof.

(vi) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

(e) Until the Commission shall otherwise provide, the ship-radar station licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of the ship-radar station. For assistance in preparing these reports, daily records, when the radar installation is tested or used, should, when practicable, be kept showing at least the following:

(1) Approximate number of hours of use while the ship is in operation;

(2) Number of service failures, and duration, nature, and cause of each failure if known;

(3) Performance under local weather conditions which are unfavorable for marine navigation; and

(4) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of the ship.

(f) In addition to the installation and maintenance record required by paragraphs (d) and (e) of this section, the following documents shall be available for reference on board each radar-equipped vessel whose ship-radar station is licensed by the Commission:

(1) Part 8 of this chapter.

(2) At least one set of instructions from the respective manufacturer relative to the use and operation of the particular type of ship-radar installation.

(g) No provisions of this part shall require any ship-radar station to transmit any signal(s) intended solely for the purpose of identifying that station.

#### SUBPART Q—DEVELOPMENTAL STATIONS

§ 8.431 *Supplemental eligibility.* An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 8.432 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station on board ship shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the

frequency requested is restricted to such developmental use.

§ 8.433 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-band designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands available for the maritime mobile service may be licensed as an assigned frequency or as an authorized frequency-band, respectively, for use by developmental ship stations subject to the applicable provisions of this part:

3,500 Mc to 3,700 Mc	
6,425 Mc to 6,575 Mc	
11,700 Mc to 12,200 Mc	
26,000 Mc to 30,000 Mc	
and	
16,000 Mc to 18,000 Mc	
2,450 Mc to 2,600 Mc	

on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment. The class of emission, the frequency tolerance, the emission-bandwidth and the maximum transmitter-power for use on frequencies within these bands above 2400 Mc shall be designated in each station authorization.

(c) In addition to specific frequency bands designated by § 8.404 for ship radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental ship radionavigation stations:

Authorized frequency band	Assigned frequency
2900 to 3000 Mc.	
3246 to 3266 Mc.-----	3256 Mc (Racons only).
3266 to 3300 Mc.	
5250 to 5440 Mc.	
5440 to 5460 Mc.-----	5450 Mc (Racons only).
8500 to 9300 Mc.	
9300 to 9320 Mc.-----	9310 Mc (Racons only).
9500 to 9800 Mc.	

§ 8.434 *Use of developmental stations.* (a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to

the operation of stations licensed in an established service under any part of the Commission's rules.

§ 8.435 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 8.436 *Report of operation required.*

(a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labelled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation;

(2) Pertinent results of operation to date;

(3) Analysis of the results obtained;

(4) Copies of any published reports;

(5) Need for continuation of the program if such need exists;

(6) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 8.437 *Identification of station.* (a)

The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

#### SUBPART R—COMPULSORY SHIPBOARD RADIO INSTALLATIONS

§ 8.501 *Inspection of installation.*

(a) In accordance with § 8.101 (a) and pursuant to section 362 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate (see section 301 of the Communications Act) in behalf



of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention. The issuance date of Safety Radiotelegraphy and Safety Radio telephony certificates issued by the Commission shall be the date the installation is found to be in compliance or not later than one business day following such in-compliance date.

(b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid Convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.

(c) The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

(d) In accordance with the Safety Convention, Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required to be posted in a permanent and accessible place in the ship.

#### RADIOTELEGRAPH INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION

**§ 8.502 Main and emergency installations.** (a) A radio installation on board a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a separate emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(1) A main radio transmitter and an associated main radio receiver shall be installed;

(2) A separate emergency radio transmitter and an associated separate emergency radio receiver shall be installed;

(3) Emergency electric lights shall be installed;

(4) An emergency power supply shall be installed.

(5) A main antenna and a separate emergency antenna shall be installed: *Provided, however* That a cargo ship the keel of which was laid prior to June 1, 1954, may be equipped with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare antenna, consisting of a single wire

transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 355 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

**NOTE:** Section 355 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided*, That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided."

**§ 8.503 Requirements of main installation.** (a) All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The main antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and the required radio installation. For the purpose of insuring adequate protection against failure of the main antenna installation when severe mechanical stress is suddenly applied, an approved "safety link" shall be provided as a component of this installation.

**NOTE:** A safety link may be described as a device which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna-supporting elements.

(2) The main transmitter shall be of the electron-tube type and shall be capable of meeting the requirements of § 8.552.

**NOTE:** Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this regulation will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles, and 405 to 535 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The main receiver shall

have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power (the antenna power specified in § 8.552) and the main receiver; and at the same time to charge, at any required rate, all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, any potential of the main power supply at the radio room terminals shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, storage batteries forming part of the main installation shall be brought up to the normal fully charged condition daily.

(5) For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room.

(6) The main installation shall be provided with a device permitting change-over from transmission to reception and vice versa without manual switching.

(7) The main installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

**§ 8.504 Requirements of emergency or reserve installation.** (a) All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The emergency installation shall be capable of being placed in operation (by a qualified operator who is on duty at the operating location) within a maximum time of 1 minute after the need arises for its use.

(2) The emergency antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation in time of an emergency, and so as not to endanger the ship and the required radio installation.

(3) The emergency transmitter shall be of the electron-tube type and shall be capable of meeting the requirements of § 8.553.

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emis-



sion, on all frequencies within the band 405 to 535 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The emergency receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 355 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power (the antenna power specified in § 8.553) and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea. While at sea, storage batteries forming part of the emergency installation shall be brought up to normal full charged condition daily.

(6) There shall be provided emergency electric lights of not less than 10 watts per unit, capable of being energized solely by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls and radio station clock. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of any emergency batteries. The provisions of this subparagraph or of § 8.8 (j) shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.

(7) All emergency power supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits.

(8) No electrical load circuits except those of the emergency installation (includes the required radio station emergency light(s)) shall be connected to the emergency power supply. *Provided*, That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emergency power supply furnishing power to the emergency transmitter. *Provided further* That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

(9) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided*, That the location of such power supply complies with all applicable rules and regulations of the United States Coast Guard.

(10) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(11) The emergency installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

(b) (1) The shipowner, operating company or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subparagraphs (2)

(3) (4) and (5) of this paragraph or by such other means as may be deemed necessary, that the emergency installation satisfies the 6-hour operating requirement of law.

(2) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(3) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(4) The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required

capacity shall be computed as the sum of all electrical loads presented by all other apparatus of the ship's radio installation which are connected to the emergency power supply under test. Allowances for intermittent use of such apparatus shall be made only in accordance with the following:

(i) The current supplied to the emergency transmitters may be computed as the current supplied when the transmitter is partially energized with the radiotelegraph key open plus one-fourth the difference between the current supplied when such key is open and the current supplied when such key is closed.

(ii) The current drawn by the automatic-alarm-signal keying device specified in paragraph (a) (8) of this section (if such device is connected to the emergency power supply) may be computed as one-sixth of the current supplied when this device is properly energized.

(iii) The current drawn by an audible warning apparatus associated with an approved auto-alarm receiver specified in paragraph (a) (8) of this section may be considered as negligible.

(5) At the conclusion of the tests specified in subparagraphs (2) and (3) of this paragraph, no part of the emergency source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

§ 8.505 *Tests of emergency installation.* (a) On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery and voltage readings under normal load as are necessary to determine the state of charge of emergency storage batteries of other types shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.508, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission

of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

**§ 8.506 Use of emergency installation.**

(a) The emergency installation on board a vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate. However, the emergency receiver and its emergency power supply (if such power supply is a storage battery) may be used at any time to maintain a watch for safety purposes, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours.

(b) When more than one storage battery is installed on board a ship for the purpose of providing an emergency power supply in compliance with Title III of Part II of the Communications Act, any one of these batteries may be designated at any time as the required emergency power supply or a part thereof, upon the express condition that such battery, whenever so designated, is capable of energizing (independent of the propelling power of the ship and any other electrical system) the associated component or components of the emergency installation for a period of at least 6 consecutive hours.

(c) The emergency power supply on board a cargo vessel (on which a separate (see § 8.502 (b)) main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(d) Any storage battery whether or not it is the emergency power supply or a part thereof may be used at any time to maintain a watch for safety purposes upon the express condition that such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours as required by paragraph (f) of section 355 of the Communications Act.

**§ 8.507 Routing of electrical wiring.** The electrical conductors connecting the main (any source of power on board ship that constitutes a main power supply, as defined in § 8.8 (d) while it is being used as that type of power supply) power supply to the main radio installation and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long, indirect routing is necessary, an additional equivalent circuit shall be provided in each case over an alternate route.

**§ 8.508 Automatic-alarm-signal keying device.** Each ship of the United States, which is subject to Title III, Part II, of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.555.

**§ 8.509 Installation of automatic-alarm-signal keying device.** (a) The automatic-alarm-signal keying devices required by § 8.508 shall be installed in an accessible location in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only. Only one control shall be provided for starting and stopping each automatic-alarm-signal keying device; this control shall be located in the radio room.

(b) The required automatic-alarm-signal keying device shall be capable of operating automatically for a continuous period of at least 1 hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply or the storage battery used to energize a required automatic-alarm receiver.

(c) Each automatic-alarm-signal keying device installed on board a vessel pursuant to § 8.508, shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer.

**§ 8.510 Auto-alarm.** (a) An auto-alarm which is installed and used on board a cargo vessel of the United States pursuant to the provisions of § 8.205, shall be a type of auto-alarm approved by the Commission in accordance with paragraph (x) of section 3 of the Communications Act.

(b) The Commission shall be informed in writing on the prescribed form (FCC Form No. 501, available upon request, should be used for this purpose) immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type of the alarm, the name of the vessel, the call letters and name of the licensee of the ship radio station and the name of the owner and operating company of the vessel.

**§ 8.511 Installation of auto-alarm.** (a) A vessel shall be considered as fitted with an auto-alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto-alarm is a type approved by the Commission as prescribed by § 8.510 and the auto-alarm installation on board such vessel complies with the

conditions prescribed in the following paragraphs of this section.

(b) Each auto-alarm of a type approved by the Commission when first installed on board a vessel of the United States, shall bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of auto-alarms (approved prior to the effective date of § 8.554) are designated as follows:

(1) Radiomarine Corporation of America Models AR-8600 and AR-8600-X auto-alarms. One combined receiver and selector unit, without regard to container; one control and terminal box.

(2) Radiomarine Corporation of America Model AR-8601 auto-alarm. One combined receiver and selector unit, without regard to container; one control and terminal unit.

(3) Mackay Radio and Telegraph Company auto-alarms, Types 101-A and 101-B manufactured by Federal Telegraph Company. One selector unit without regard to container; one receiver unit, without regard to container.

(4) Mackay Radio and Telegraph Company auto-alarm, Type 5001-A. One combined receiver and selector unit, without regard to container.

(c) The auto-alarm shall be located in the main radiotelegraph operating room and shall be adequately installed and protected so as to insure proper operation. Means shall be provided for placing the entire system in or out of operation from the main radiotelegraph operating room. A simple change-over switch shall be provided to (1) disconnect the main antenna from all other equipment and connect it to the auto-alarm receiver and place the auto-alarm system in effective operating condition and conversely (2) de-energize the auto-alarm system and reconnect the main antenna to other equipment. In addition, suitable means of determining the supply voltages are within the limits required for proper operation of the auto-alarm system shall be provided.

(d) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge. This apparatus shall operate continuously after the auto-alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(e) Failure of the auto-alarm (if of a type approved prior to the effective date of § 8.554) to function normally because of prolonged atmospherics (static) or other prolonged interference, or both, shall operate a visual indicator

on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the United States Coast Guard.

(f) When an auto-alarm is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits, such auto-alarm shall be fitted with an auxiliary device which (1) will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified by the Commission for the particular type of alarm involved; or (2) will automatically connect the auto-alarm to an auxiliary power supply, the voltage of which is within the specified limits.

(g) The testing device (see § 8.206 relative to required testing of the auto-alarm) of the auto-alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

§ 8.512 *Auto-alarm instructions.* (a) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

§ 8.513 *Interior communication system.* (a) Pursuant to paragraph (g) of section 355 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating

bridge structure. When the operating position of the emergency radio installation is not located in the radio room normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel is provided with more than one location from which it is normally controlled and steered, the interior communication system between the radio room and bridge shall include in the system a point of communication to each such location. The existence at a location of all of the following factors will be considered to be evidence that a point of communication should there be established: (1) Provision of a steering wheel; (2) provision of a compass; (3) provision of an engine order telegraph; (4) provision of apparatus to control the whistle; and (5) enclosure of the location to form a wheelhouse.

(c) The requirement of paragraph (b) of this section shall not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or occasionally for brief periods while navigating the ship in close quarters on inland waters.

§ 8.514 *Requirements for interior communication systems.* The interior communication systems required by § 8.513 shall be capable of providing efficient signalling and communication, shall be independent of any other communication system on the ship, and shall be a type of system approved by the United States Coast Guard. Further, the location and termination of individual systems shall be subject to approval by the Commission.

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and a dial not less than 5 inches in diameter. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room.

§ 8.516 *Direction-finder.* Each ship of 1600 gross tons or over which is subject to the requirement set forth in subparagraph (a) (2) of section 351 of the Communications Act or which is subject to Regulation 12 of Chapter V of the Safety Convention shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission.

§ 8.517 *Requirements for direction-finder.* (a) To be approved by the Commission, as provided by § 8.516, the radio direction-finder (radio compass) shall:

(1) Be capable of efficiently receiving signals (at least types A2 and B emission) with the minimum of receiver noise, on each radio-channel within the frequency band 285 to 515 kc which is designated by the International Radio

Regulations for distress, direction-finding, or marine radio beacons;

(2) Be capable of receiving types A1, A2, and B emission, if installed on board ship after January 1, 1940;

(3) Be capable of taking bearings on received radio signals as set forth in subparagraphs (1) and (2), of this paragraph, from which the true bearing and direction may be determined;

(4) Be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined for actual use in maritime radiolocation service and maritime radionavigation service; and

(5) Have a sensitivity, in the absence of interference, sufficient to permit of accurate bearings being taken on a signal having a field strength as low as 50 microvolts per meter.

(b) The calibration of the direction-finder shall be verified whenever any changes are made in the physical or electrical characteristics or the location of any antenna(s) on board the vessel, or whenever any changes are made in any structure(s) on deck, which might appreciably affect the accuracy of the direction-finder. The calibration particulars shall be checked at yearly intervals or as near thereto as possible. A record of the calibration of any checks made of their accuracy shall be maintained on board the vessel for a period of not less than 1 year from the date of the related action.

(c) Under conditions inherent in the operation of commercial shipping whereby it is impracticable for the Commission's inspecting engineer to determine, prior to departure of a vessel from a harbor or port for a voyage in the open sea, whether or not the direction finder complies with the requirement of paragraph (a) (4) of this section, the direction finder may be approved with respect to meeting that particular requirement, contingent upon the availability of sufficient information at a subsequent inspection to justify the continuance of such approval, on condition that:

(1) Prior to departure of the vessel, the master certifies in writing to the Commission's inspecting engineer that calibration of the direction finder as required by paragraph (a) (4) of this section will be completed to the satisfaction of the master before such vessel is navigated thereafter on a voyage in the open sea; and

(2) During a subsequent official inspection of the direction finder, when such vessel has been navigated in the open sea outside a harbor or port after certification was given by the master as prescribed in subparagraph (1) of this paragraph, the master shall make available to the Commission's inspecting engineer the appropriate written records resulting from calibration of the direction finder pursuant to said certification. If the information contained in these written records is satisfactory to the Commission's inspecting engineer, approval of the direction finder, with respect to meeting the requirement of paragraph (a) (4) of this section, as given initially under the provisions of this paragraph, will be continued.

(3) In the absence of acceptable evidence of compliance with the requirement of paragraph (a) (4) of this section, at the time of the subsequent inspection mentioned in subparagraph (2) of this paragraph, or during any following inspection the Commission may withdraw approval of the direction finder until such time as the necessary evidence of compliance with this requirement is available.

§ 8.518 *Auxiliary receiving antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators, an effective auxiliary receiving antenna or other approved arrangement shall be provided whenever necessary to avoid unauthorized interruption or reduced efficiency of this watch by reason of unavailability of the normal receiving antenna for use during the period of time when a radio direction-finder on board the same vessel is being operated.

§ 8.519 [Reserved.]

§ 8.520 *Lifeboat radio equipment.* (a) Lifeboat radio equipment, portable or non-portable, required by law to be provided, shall comply with applicable requirements of paragraph (b) through (g) of this section.

(b) All lifeboat radio equipment shall include the following components as a minimum:

(1) An antenna for transmitting and receiving which can be quickly utilized by a person in the lifeboat while afloat together with such antenna accessories as are necessary.

(2) An artificial antenna for test purposes.

(3) A transmitter with keying arrangement(s) for the use of radiotelegraphy.

(4) A radio receiver with head receiver.

(5) A power supply of required capacity.

(6) The necessary material or device for a ground connection to the water when the lifeboat is afloat.

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558 or 8.559, as may be applicable.

(d) Provisions relative to capacity, use and maintenance of storage batteries used as the power supply for lifeboat non-portable radio equipment:

(1) A storage battery power supply of lifeboat radio equipment shall be capable at all times of operating the entire lifeboat radio installation for a period of at least six continuous hours as is stipulated for an emergency power supply in § 8.504 (b).

(2) Storage batteries may be used to operate equipment other than radio except the electric starter and ignition system of a lifeboat motor, provided such additional use will not adversely affect the required capabilities of the battery. All individual circuits connected to the battery shall be independently and properly fused.

(3) Storage batteries shall be kept adequately charged at all times while at sea. The charging of such batteries

shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. The charging circuit for the lifeboat radio storage battery or batteries shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries, will give a continuous indication of the polarity and the rate of charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(4) In any installation made on or after November 19, 1952, provisions shall be made to enable charging of the storage battery by means of a generator on the motor lifeboat engine.

(5) Subject to approval of the United States Coast Guard storage batteries shall be mounted in suitable containers that will provide protection from salt water spray and also allow proper ventilation.

(e) Lifeboat non-portable radio equipment shall be capable of developing by day, over the sea and under normal conditions and circumstances, a r. m. s. radio field intensity of 50 microvolts per meter on the frequency 500 kilocycles at a distance of 25 nautical miles. Ability to meet this requirement may be evidenced in the absence of such other means as will provide a reliable indication that this requirement is met, by a product of the maximum height of antenna above the mean surface of the water expressed in meters and a r. m. s. antenna current on the frequency 500 kilocycles expressed in amperes of not less than 10.

(f) Conditions of fitting of lifeboat and radio equipment:

(1) Non-portable radio equipment shall be installed in a cabin large enough to accommodate both the equipment and the person using it and arrangements shall be such that the efficient operation of the lifeboat radio installation shall not be interfered with by the motor boat engine while it is running, whether or not a battery is on charge.

(2) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted in lifeboat portable or non-portable radio equipment: *Provided, however* That this limitation shall not prohibit the use of a metal mast or masts used as the antenna.

(g) Inspections and tests of lifeboat radio equipment:

(1) Inspections and tests of lifeboat radio equipment shall be conducted by a qualified representative of the licensee at weekly intervals while the ship is at sea and within 24 hours prior to the ship's departure from each port but not necessarily more than once each week. Such inspections and tests are subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each transmitter for use in lifeboats be

licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a transmitter installed in or for use in a lifeboat is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. (See § 8.63.)

(1) Inspections and tests shall include operation of the transmitter connected to an artificial antenna and determination of the specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type of batteries, of any battery provided as a part of the lifeboat radio equipment.

(2) When the vessel is in a harbor or port of the United States an authorized representative of the Commission may require:

(1) Inspection and test of lifeboat radio equipment in a lifeboat afloat to include an actual test of the transmitter and receiver connected to the required antenna to determine that the equipment is in effective operating condition.

(2) The shipowner, operating company, or station licensee to prove by demonstration, as may be deemed necessary, that a storage battery used as a part of the lifeboat radio equipment is capable of energizing the installation for the required period of time as is prescribed for an emergency transmitter in § 8.504 (b).

(3) The results of inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's radio station log or in the ship's log if the ship is not provided with a radio station. These entries shall be made available to duly authorized representatives of the Commission upon request.

§ 8.521 *Auxiliary equipment and components.* (a) On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment are designated in §§ 8.522 to 8.524, inclusive. Pursuant to the provisions of § 8.525, they shall be located so as to be readily accessible to the radio operator in an emergency.

(b) In addition to the spare parts required by § 8.522, and the auxiliary equipment required by § 8.523, spare parts as are specifically designated in special lists promulgated by the Commission pursuant to the provisions of section 358 (a) (2) of the Communications Act shall be provided for transmitters, receivers, auto-alarms, direction-finders, lifeboat radio installations, and other required equipment which have been given type approval by the Commission.

*Note:* Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.



§ 8.522 *General spare parts.* (a) The following spare parts are considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act:

(1) Sufficient wire of good electrical conductivity and suitable insulators for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire and not less than two such insulators; or an assembled single-wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna.

(2) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(3) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(4) Renewable fuse-cartridges of each type used in connection with units of the radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(5) One spare electric light bulb for each emergency light required by § 8.504 (a) (6)

§ 8.523 *General auxiliary equipment.* (a) The following auxiliary equipment is considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(1) One 1- to 2-inch screwdriver with approximately ½-inch blade.

(2) One 4- to 6-inch screwdriver.

(3) One set of assorted end wrenches or socket wrenches, or one adjustable end wrench.

(4) One pair 5- to 8-inch side-cutting pliers.

(5) One high-resistance direct-current voltmeter having a resistance of at least 1,000 ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of at least 3 percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts direct current, the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least 3 percent.

(6) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least 10 feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(7) One hydrometer for use with lead-acid batteries when this type of battery is installed.

(8) Approximately one gallon or more of distilled water, or the same amount

of any kind of water suitable for use in the type of storage batteries installed.

(9) Instruction book(s) and circuit diagrams, including modifications covering transmitter(s) receiver(s) and direction-finder, if a direction-finder is required.

(10) One electric soldering iron of at least 100 watts rated power, which is capable of operating from a source of power available in the room or cabin housing the required radio apparatus; and at least one-half pound of solder with appropriate non-corrosive soldering flux (for example, rosin-core solder)

§ 8.524 *Spare parts for specific apparatus.* (a) Prior to the Commission's approval of a particular type of marine transmitter, receiver or direction-finder, and prior to the issuance of associated specific lists of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment relative to specific apparatus shall be provided in addition to those stipulated in §§ 8.522 and 8.523.

(1) *For each electron tube transmitter (other than lifeboat transmitter)* One radio-frequency oscillator tube, one tube for each radio-frequency amplifier stage, and, if used to provide A2 emission, one audio-frequency oscillator tube. One tube for a main transmitter or two tubes for an emergency transmitter intended for use in the radio-frequency circuit of transmitters of the self-rectified, simple oscillator type. One anode power-supply rectifier tube for each such tube used. One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid-blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(2) *Receivers (other than lifeboat receivers)* One complete spare set of tubes for the receiver(s) One headset (telephone receiver) complete with connecting cord, and, if used, a cord-terminal plug.

(3) *Direction-finders.* One complete set of tubes for the radio receiver incorporated in the direction finder, when a direction-finder is required.

(4) *Lifeboat radio equipment.* One electron tube of each type used for normal operation of the radio installation, including neon or any other type of tube or lamp employed as resonance indicator(s) except that if three or more electron tubes of a single type are employed, two electron tubes of that type shall be provided: Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If wire is used, sufficient wire shall be provided to permit six complete fuse replacements. Additionally non-portable

lifeboat radio equipment shall be provided with at least 35 feet of insulated wire suitable for use as antenna wire; 2 antenna insulators; one panel electric light bulb, if used, one screwdriver and one pair of sidecutting pliers.

(5) *Auto-alarms.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of auto-alarm which is type-approved in accordance with § 8.554.

§ 8.525 *Location of spare parts.* (a) Spare parts for the direction-finder receiver shall be kept in the same compartment or room in which this receiver is located.

(b) Spare parts and auxiliary equipment for the non-portable radio equipment shall be kept in the lifeboat cabin housing the radio equipment. Spare parts and auxiliary equipment for the lifeboat portable radio apparatus shall be so kept as to be convenient for the routine maintenance of the equipment.

(c) The spare emergency light bulb(s) shall be mounted in close proximity to the corresponding emergency light socket(s)

(d) The antenna wire, antenna insulators, and distilled water, respectively, may be retained in the radio operating room or elsewhere: *Provided*, The antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained preferably in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room, or, if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) of this section shall be used *only* for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.

#### RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION

§ 8.528 *Radiotelephone installations.* (a) A radiotelephone installation required to be provided on any ship by reason of the provisions of Part II of Title III of the Communications Act or on a United States ship by reason of the Safety Convention, shall comply in an efficient manner with §§ 8.529, 8.530, 8.531, 8.532 and 8.533 in addition to all other applicable requirements of this part. The radiotelephone installation so provided shall include at least the following:

(1) A radiotelephone transmitter and associated radiotelephone receiving equipment;

(2) A main source of power;

(3) An emergency source of power when required by § 8.531,



(4) An antenna and ground system; and

(5) Such other apparatus as may be necessary for the proper operation and use of these components of this installation.

#### § 8.529 Radiotelephone transmitter

(a) The radiotelephone transmitter shall be capable of transmitting on the radiotelephone calling and distress frequency, 2182 kc, the ship-to-ship working frequency, 2638 kc, and at least two other frequencies within the band 1605 to 2850 kc used for ship-to-shore or ship-to-ship communications.

(b) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(c) The radiotelephone transmitting installation shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles. The transmitting apparatus of the radiotelephone transmitting installation shall be considered to comply with this range requirement whenever such apparatus is properly adjusted for use with an actual ship station transmitting antenna meeting the requirements of § 8.532 and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltage applied, of delivering not less than 25 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(d) Transmitters installed after June 1, 1956 and all transmitters after June 1, 1960 regardless of installation date shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio-frequency power to the antenna.

(e) The transmitter shall be adequately protected, by suitable devices such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to components thereof.

(f) A durable nameplate shall be mounted on the transmitter or made an integral part thereof showing clearly at least the following:

- (1) The name of the manufacturer;
- (2) The type or model number.

§ 8.530 Radiotelephone receiving equipment. (a) The radiotelephone installation shall include the following receivers.

(1) A receiver capable of reception of A3 emission on 2182 kc, 2638 kc and the

receiving frequencies associated with transmitting frequencies required to be provided by § 8.529. The receiver shall be capable of accurate and convenient selection of these frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies.

(2) After June 1, 1956, in addition to the receiver required by subparagraph (1) of this paragraph, a receiver capable of manually tuned reception over the entire frequency band 1600 to 3500 kc shall be provided.

(b) One or more loudspeakers capable of effective operation shall be provided so as to permit reception at the principal operating location and at any other location where listening required by § 8.202 (c) or § 8.203 (g) is performed.

(c) Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity over the required frequency band on any required reception frequency of at least 50 microvolts. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission engineer.

(d) Any receiving equipment provided as part of the required radiotelephone installation shall be provided with a durable nameplate mounted on the receiver or made an integral part thereof showing at least the following:

- (1) The name of the manufacturer.
- (2) The type or model number.

(e) Required receiving equipment shall be protected by means of suitable devices such as fuses or circuit-breakers from excessive voltages which could cause damage to any component thereof.

§ 8.531 Power supply. (a) There shall be readily available for use at all times under normal load conditions, while the vessel is at sea, and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy, capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power and the required receiver. At all times herein specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor more than 15 percent on vessels completed before that date. In the case of new installations, an emergency source of energy independent of the vessel's normal electrical system shall be provided, and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case the emergency

source of energy is not required. The emergency source of energy when required shall be located as near the radiotelephone transmitter and receiver as is practicable. A power supply shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck.

*Note:* See § 8.113 regarding application of Coast Guard regulations regarding power supply.

(b) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 6-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section, or by such other means as may be deemed necessary.

(c) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration, or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 6-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section.

(d) The electrical load to be supplied by a main or an emergency source of energy under the provisions of paragraph (b) or (c) of this section shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half the six-hour period.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage

battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(f) Means shall be provided for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(g) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(h) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short-circuits, which could damage any component thereof.

§ 8.532 *Radiating system.* (a) In each radiotelephone installation an antenna shall be provided which is as non-directional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(b) When an electrical ground connection is used as a necessary element of the radiating system, such connection shall be made in an efficient manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.533 *General requirements applicable to radiotelephone installations.* (a) Each radiotelephone installation in respect to all components thereof required by reason of Title III, Part II of the Communications Act or the Safety Convention shall meet the following requirements:

(1) The radiotelephone transmitter, receiver and all controls necessary for their proper use and operation shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. If the principal operating location is not in the room from which the vessel is normally steered while at sea or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signaling system shall be provided between such room and the principal operating location. In the case of installations made after June 1, 1956, the principal operat-

ing location shall be in the room from which the vessel is normally steered while at sea.

(2) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive and independent of action by any person not at the principal operating location.

(ii) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby provided is reliable, effective immediately, available at all times, and is usable independently of any other interior communication circuit: *Provided, however* That in the case of radiotelephone installations first placed in service on or after June 1, 1956 the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(3) The radiotelephone installation when utilizing the fixed tuned receiver required by § 8.530 (a) (1) shall be so designed that when a qualified operator is present at the principal radiotelephone operating location:

(i) Switching between the calling and distress frequency 2182 kc and any required working frequency or vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the required frequencies under circumstances which do not require a change in operating radio channel at the same time.

(iii) Use of the emergency source of energy, when required by § 8.531, shall be available within 1 minute after any need arises for its use.

(4) The components and assembly of the radiotelephone installation shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity and temperature encountered on shipboard.

(5) A reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navi-

gation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

§ 8.534 *Test of radiotelephone installation.* Unless the normal use of a radiotelephone installation required by Title III, Part II of the Communications Act or the Safety Convention demonstrates that the equipment is in proper operating condition for an emergency, a test communication for this purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

#### RADIO INSTALLATIONS ON SHIPS SUBJECT TO THE GREAT LAKES AGREEMENT

§ 8.535 *Periodical survey of radiotelephone installation.* Except as provided in § 8.537, each vessel of the United States required by the Great Lakes Agreement to carry a radiotelephone installation, shall have a periodical survey of the radiotelephone installation not less than once every twelve months for the purpose of obtaining an appropriate certificate as prescribed by Article 12 of said agreement and § 8.536 of this subpart. The survey shall be made while the vessel is in active service or within not more than one month before the date on which it is placed in service.

§ 8.536 *Certificates.* Except as provided in § 8.537, each vessel of the United States to which the Great Lakes Agreement applies shall, not later than November 13, 1955, have on board and posted at the principal operating location of the radiotelephone installation required by said Agreement an appropriate valid certificate as prescribed by Article 12 of said Agreement.

§ 8.537 *Occasional navigation on the Great Lakes.* Any vessel of the United States which enters the Great Lakes from Montreal or below and which engages in not more than two voyages on the Great Lakes in any one calendar year solely between (a) one or more ports outside the Great Lakes and (b) one or more ports on the Great Lakes, may in lieu of complying with the requirements of § 8.540, comply with the radiotelephone installation requirements of Regulation 15, Chapter IV of the Safety of Life at Sea Convention, 1948: *Provided, That—*

(a) The vessel has on board a valid Safety Radiotelephony certificate; and  
(b) The radiotelephone installation is equipped to transmit and receive on the frequencies 2182 kc and 2003 kc.

§ 8.538 *Failure of radiotelephone installations while en route.* If, while a United States vessel is subject to the Great Lakes Agreement, the vessel's radiotelephone installation required by Article 8 of said Agreement ceases to be in effective operating condition, the master shall forthwith exercise due diligence to restore the radiotelephone installation to effective operating condi-

tion at the earliest practicable moment, and, in any event, the effective operating condition of the radiotelephone installation shall be restored at the destination on the Great Lakes of the vessel. In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at the destination, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation of the full particulars of the matter in writing including the date the master became aware of the deficiency in the radiotelephone installation and the nature of such deficiency, a description of steps taken to correct such deficiency, and in the case of a vessel whose destination is on the Great Lakes, a statement that the radiotelephone installation has been, or will be, placed in effective operating condition before the ship leaves that port.

#### § 8.539 [Reserved.]

§ 8.540 *Requirements for radiotelephone installation.* (a) Each vessel of the United States while subject to the requirements of the Great Lakes Agreement shall, in accordance with that Agreement, be fitted with a radiotelephone installation (see § 8.8 (n)) in effective operating condition which is capable of meeting the requirements set forth in this section together with the provisions of such other rules in this part, governing ship stations using telephony, as are applicable.

(1) The radiotelephone installation, exclusive of the main source of power for energizing such installation, shall be located as high as practicable in the upper part (see § 8.113) of the vessel and shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising such installation.

(2) A main source of energy of sufficient capacity to energize the radiotelephone installation properly and immediately shall be available at all times when the vessel is subject to the requirements of the Great Lakes Agreement.

(3) The auxiliary source of energy, required by the Great Lakes Agreement to be provided on passenger carrying vessels (see § 8.2 (c)) of 1,000 gross tons or more, shall be independent of the vessel's normal electrical system and shall be capable of properly energizing the radiotelephone installation and the light provided pursuant to subparagraph (11) of this paragraph, in addition to any other loads to which it may supply energy in times of emergency or distress, for at least four continuous hours under normal operating conditions. When meeting the four-hour requirement, such auxiliary source of energy shall be located in a position of the greatest possible safety and as high as practicable in the upper part of the vessel.

(4) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subdivisions (i) (ii) (iii) and (iv) of this subparagraph or by such other means as may be deemed necessary that the auxiliary source of energy, when required to be provided, is capable of energizing the radiotelephone installa-

tion under the conditions and for the minimum period of time required by law.

(i) When the auxiliary source of energy consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(ii) When the auxiliary source of energy consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(iii) The electrical load to be supplied by an auxiliary source of energy for the purpose of establishing proof of required capacity shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half of the four-hour period.

(iv) At the conclusion of the tests specified in subdivisions (i) and (ii) of this subparagraph, no part of the auxiliary source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below 90 per cent discharge point as determined from the information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

(5) Means shall be provided for adequately charging any storage batteries used as a source of energy for the radiotelephone installation. There shall be provided a device which, during the charge of the batteries, will give a continuous indication of the rate and polarity of such charge.

(6) The principal operating location of the radiotelephone installation shall be on the bridge. If the radio apparatus of this installation (as distinguished from the normal operating controls) is located other than on the bridge, the radiotelephone installation shall be capable of being operated from that location as well as from the bridge. In any event, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location on the bridge, as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control on the bridge as herein prescribed which is direct, positive and independent of action by any person not on the bridge.

(ii) The use of an interior shipboard communication system between the bridge and all other locations at which there is a radiotelephone operating pos-

tion shall be acceptable as a method for taking control on the bridge as herein prescribed on condition that the communication thereby provided is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit: *Provided, however* That in the case of radiotelephone installations first placed in service on or after April 1, 1955, the use of such a method for taking control on the bridge shall be acceptable only in the case of those radiotelephone operating positions located in the chartroom and in the master's quarters.

*Note:* The expression principal operating location is equivalent to the expression "location of the main operating position" contained in the Great Lakes Agreement.

(7) The radiotelephone installation shall be capable of being used for the effective transmission and reception of class A3 emission on the intership working frequency 2003 kc and on the calling and distress frequency 2182 kc.

(8) The transmitting apparatus of the radiotelephone installation shall be constructed to comply with the power requirement of regulation 1, paragraph 5 of the Great Lakes Agreement whenever such apparatus is properly adjusted for use with the actual ship station transmitting antenna and is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2003 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided*, That if deemed necessary by the Commission, a demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with the power requirement of Regulation 1, paragraph 5 of the Great Lakes Agreement.

(9) The radiotelephone installation shall be so designed that when a certified person, as prescribed in § 8.153, is present at the principal operating location:

(i) Switching between the intership working frequency 2003 kc and the distress frequency 2182 kc and vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the frequencies 2003 kc and 2182 kc; and

(iii) Use of the auxiliary source of power, as required on passenger vessels of 1,000 gross tons or more, shall be available within 1 minute after any need arises for its use.

(10) The radiotelephone installation shall be adjusted so that the transmission of speech normally produces peak modulation percentages of at least 70 percent.

(11) Light from an electric source of energy shall be available and permanently arranged to so illuminate the operating controls of the radiotelephone installation at the principal operating

location that the installation may be used at any time for quickly establishing and effectively carrying on radiotelephone communication in time of emergency or distress. If an auxiliary source of energy is required to be provided on board the vessel, arrangements shall be provided to utilize or to permit the use of such source of energy for such illumination within 1 minute after the need arises for its use.

(12) The radiotelephone installation shall be capable of properly energizing a loudspeaker on each of the frequencies 2003 kc and 2182 kc when the radio field intensity of the received carrier wave (measured when no modulation is present) is as low as 10 microvolts per meter. The radiotelephone installation may be considered capable of meeting this requirement if on each of the frequencies concerned the numerical value of the sensitivity of the receiver expressed in microvolts is equal to or less than the numerical value of the maximum height of the associated receiving antenna expressed in feet as measured from the cabin lead-in insulator. The numerical value of the sensitivity of the receiver may be based on manufacturer's specifications.

NOTE: Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loud speaker with a signal-to-noise ratio of at least 6 decibels.

(13) The radiating system of the radiotelephone installation provided for use on each of the frequencies 2182 kc and 2003 kc shall comply with the following requirements:

(i) The antenna shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising the installation.

(ii) The conductor or system of conductors comprising the antenna shall, consistent with the prevailing physical limitations affecting the antenna installation, be of such a configuration and so located physically with regard to proximity to metallic objects and structures as to allow for the development of as uniform a vertically polarized ground wave in all directions as possible for a given antenna power.

(iii) Wherever practicable the radiating system shall as a minimum be capable of converting at least 11.5 watts (unmodulated carrier power) of the power supplied to the system by the transmitting apparatus, on 2182 kc and 2003 kc respectively, into radiated power. A radiating system shall be deemed capable of meeting this requirement and also the requirements of subdivision (ii) of this subparagraph if it is demonstrated to the satisfaction of the Commission that the radio-telephone installation is capable of developing an effective inverse distance radio field intensity of 19.9 millivolts per meter at one statute mile on each of the frequencies 2003 kc and 2182 kc, or if the product of the antenna current on 2182 kc in root mean square amperes measured at the base of the antenna and the maximum height

of the antenna expressed in feet as measured from the cabin lead-out insulator is at least 41.4 for an antenna having a horizontal top-length of not less than one-half of its maximum height; or 70.5 in the case of any other antenna.

(iv) When an electrical ground connection is used as a necessary element of the radiating system such connection shall be made in an effective manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of a corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.541 *Trial of radiotelephone installation.* At least once during each calendar day in which a vessel of the United States is navigated while subject to the Great Lakes Agreement, a test communication to demonstrate that the radiotelephone installation is in proper operating condition for an emergency shall be made by a certified person who is required in accordance with § 8.158, unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition for that purpose. Should the equipment be found at any time by some person other than the master not to be in proper operating condition for an emergency, the master shall be promptly notified thereof. A record shall be made in the radio station log provided for by § 8.368 (c) showing the operating condition of the equipment as determined by either the daily normal communication or the daily test communication referred to above, and showing that, if an improper operating condition was found, the master was properly notified thereof.

#### SUBPART S—TYPE APPROVAL OF COMPULSORY SHIPBOARD EQUIPMENT

§ 8.551 *Scope of type approval.* (a) Approval by the Commission of a par-

ticular type of equipment in accordance with the provisions of any section or sections of this subpart, for use on board ships for the purpose of compliance with Part II of Title III of the Communications Act, is extended to all equipment of the same identical type, design, and construction, which is manufactured by the same person.

(b) For the purpose of determining compliance with sections 351, (a) 355 (c) (d) (e) and 358 (a) of the Communications Act, the term "transmitter" means a transmitter proper, together with all auxiliary equipment which is deemed necessary to make this unit operate efficiently as a main and/or emergency transmitter in a ship station at sea. For this purpose, each separate motor-generator, rectifier or other unit required to convert the power available as a primary source or sources on the ship, to the phase, frequency, and/or voltage necessary to energize the transmitter proper is construed to be a component of the transmitter.

§ 8.552 *Requirements for main transmitter.* (a) A main electron-tube transmitter, regardless of the date of its completion, installation, or modification, will be type-approved by the Commission as capable of meeting the relevant requirements of section 355, paragraphs (c) and (d) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the specific requirements of paragraphs (b), (c), and (d) of this section: *Provided*, That if deemed necessary, a demonstration of the capabilities of an individual main transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued type approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance (percent)	Class of emission	Percentage <sup>1</sup> modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.....	0.1.....	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.....	do.....	A1	.....	.....	Not less than 160 watts into an average ship station antenna.
410 kc and one authorized working frequency in the band 415 to 490 kc.	do.....	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.....	do.....	A1	.....	.....	Not less than 160 watts into an average ship station antenna.

<sup>1</sup> In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.



For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics.

(c) A main transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and when energized by the main power supply of the ship station in which it is installed or a power supply equivalent thereto: *Provided*, That the potential of the main power supply or equivalent power supply is maintained within the tolerance specified in § 8.503; shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies; and shall conform with all other applicable rules of this part.

(d) A main transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

(g) (1) A main transmitter, completed prior to January 1, 1952, shall be provided with an arrangement for conveniently reducing the plate input power of such transmitter to approximately one-half of its rated plate input power.

(2) A main transmitter, completed in construction subsequent to January 1, 1952, which is capable of a plate input power exceeding 450 watts, shall be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts; unless there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the radio-channels required for a main transmitter, capable of being energized by a source of power other

than the emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on frequencies within the band 405 kc to 535 kc.

§ 8.553 *Requirements for emergency transmitter.* (a) An emergency electron-tube transmitter will be type-approved by the Commission as capable of meeting the relevant requirements of section 355 (c) and (f) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the requirements of paragraphs

(b), (c) and (d) of this section when energized for a period of at least six continuous hours by a power supply equivalent to the radio station emergency power supply which is, or will be, available on board the vessel on which the transmitter is, or will be, installed and operated: *Provided*, That if deemed necessary a demonstration of the capabilities of an individual emergency transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance (percent)	Class of emission	Percentage modulation <sup>1</sup> (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.....	0.1 percent except for emergency transmitters which are so identified solely to safety communications as defined in § 8.6 (f). Such transmitters shall maintain a frequency tolerance of 0.3 percent.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1200 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1200 cycles per second.	Not less than 25 watts into an average ship station antenna.
410 kc and 1 authorized working frequency in the band 415 to 490 kc.	.....do.....	A2	.....do.....	.....do.....	Do.

<sup>1</sup> In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulation factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics.

(c) In addition to the specific requirements in paragraphs (a) and (b) of this section, an emergency transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and, when energized by the emergency power supply of the ship station in which it is installed or by a power supply equivalent thereto, shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies, and shall conform with all other applicable rules of this part.

(d) An emergency transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure the current in the antenna circuit and, if completed by the manufacturer after January 1, 1944, the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna

resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.554 *Requirements for auto-alarm.*

(a) To be approved by the Commission pursuant to section 3 (x) of the Communications Act subsequent to January 1, 1951, each type of auto-alarm not approved prior to that date shall comply with the following requirements: *Provided, however*, That the Commission may, in its discretion, approve an automatic alarm receiver which complies with these requirements and can be actuated by the distress signal for radiotelegraphy. *Provided, further* That prior to the effective date of the Safety Convention (London, 1948) the Commission may, in its discretion, approve subsequent to January 1, 1951, a type of auto-alarm which is not less efficient nor less reliable than any type approved prior to that date, and which complies with some, but not necessarily all, of the requirements set forth in this section.

(1) *Basic technical requirements.* (i) The auto-alarm shall be capable of being operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds



as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.

(ii) In the absence of interference of any kind, without manual adjustment during operation, the auto-alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(a) A2 (carrier modulated 30 percent at each modulation frequency from 300 to 1350 cycles per second, inclusive)

(b) B (at each tone frequency from 300 to 1350 cycles per second, inclusive)

(iii) The overload capacity must be sufficient to enable the auto-alarm to operate with inputs from the antenna circuit up to 1 volt, under normal operating conditions.

(iv) The auto-alarm shall respond to the alarm signal through interference (provided it is not continuous) caused by atmospheric and powerful signals other than the alarm signal. In the presence of atmospheric or interfering signals, the auto-alarm shall automatically adjust itself so that within a reasonably short time it approaches, in so far as is practicable, the condition in which it can most readily distinguish the alarm signal.

(v) The auto-alarm receiver shall be capable of operating when the received auto-alarm signals have a radio frequency of 500 kilocycles with a sensitivity as set forth in subdivision (ii) of this subparagraph and shall, in addition, respond without adjustment and with the same sensitivity to signals having any radio frequency from 492 to 508 kc, inclusive. With respect to the reception of signals having a radio frequency outside the band 492 to 508 kc, the sensitivity of the auto-alarm shall decrease as rapidly as possible, in conformity with the best engineering practice.

(vi) The auto-alarm must not be operated, so as to actuate the warning device, by atmospheric or by any signal from the antenna circuit other than the alarm signal: *Provided*, That received signals other than the alarm signal itself do not in fact constitute a signal falling within the tolerance limits indicated in subdivision (i) of this subparagraph.

(vii) When operated by an alarm signal; or in the event of failure of the auto-alarm apparatus, the auto-alarm shall cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin, and on the bridge. In so far as may be practicable, the audible alarm shall also be given in the event of any failure of the auto-alarm system, as a whole, which results in the auto-alarm becoming inoperative.

(viii) For the purpose of regularly testing the auto-alarm, without connection to the antenna, the apparatus shall include a generator pre-tuned to the 500 kc distress frequency and a keying device by means of which an alarm signal of minimum strength approximately as indicated in subdivision (ii) of this subparagraph is produced solely for actuating the particular auto-alarm and is not

radiated beyond the immediate area of the vessel.

(2) *Requirements as to construction.*

(i) The auto-alarm shall consist essentially of:

(a) A radio receiver capable of receiving emissions of classes A2 and B over the entire frequency range 492 to 508 kc, inclusive.

(b) A selector device capable of selecting the alarm signal specified under subparagraph (1) (i) of this paragraph.

(c) A suitable form of audible alarm (minimum of 3 units required)

(d) A testing device to determine locally that the auto-alarm system is effectively operative.

(ii) The auto-alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(iii) A telephone jack shall be provided to permit reception, if desired, by a telephone receiver.

(iv) Tuning and timing controls shall not be accessible to the exterior of the device and shall be so designed and housed as to permit adjustment with special tools only.

(v) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(vi) A nonlocking or momentary-throw switch shall be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto-alarm system is being tested.

(vii) The receiver and selector shall be of rugged construction throughout, capable of withstanding continuous and severe vibration equivalent to conditions that may be experienced on board a ship under the worst possible conditions and capable of continuous operation over long periods of time.

(viii) All units of the auto-alarm system shall be designed and constructed in accordance with generally accepted principles and practices of modern electronic engineering.

(ix) The auto-alarm system shall not be affected by sudden changes in ambient temperature between zero degrees centigrade and 50 degrees centigrade, shall not be affected by salt atmosphere, and by humidity conditions as high as 90 percent at a temperature of 40 degrees centigrade.

(x) Condensers, transformers, or other units shall not contain compounds which will flow at temperatures below 85 degrees centigrade, which will crack at temperatures above 0° centigrade, which are hygroscopic or which contain any corrosive substance.

(3) *Requirements as to testing and approval.* (i) Before an auto-alarm receiver will be approved by the Commission pursuant to paragraph (x) of section 3 of the Communications Act, a sample type of such auto-alarm receiver must be submitted for the purpose of demonstrating by means of suitable laboratory and field tests, that it complies with these requirements. Such tests will be conducted by the Commission, and other cooperating United States Government departments or agencies as may be appropriate, under the test speci-

fications set forth under subparagraph (5) of this paragraph.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the unit or component involved and the immediate rejection of the entire apparatus.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the provisions of subparagraph (4) of this paragraph.

(iv) Laboratory tests conducted by the Commission and/or by any other cooperating United States Government department or agency as may be appropriate, under test specifications prescribed by the Commission shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other Government department, will be available to the Commission only. *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in affidavit form showing that such tests have been made as hereinafter required prior to submission of a working model for type tests: *Provided, however* That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s)

(a) The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of condensers shall be measured and data recorded for the information of the Commission.

(b) Transformers and/or electromagnet coils shall be energized continuously under normal conditions of operation for a period of one hour at an ambient temperature of 25 degrees centigrade. For purposes of making this test, maximum rated voltage at rated frequency with the secondary of transformers normally loaded and with the frame or enclosure grounded will be applied. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction and the temperature rise of the unit undergoing test shall not exceed 40 degrees centigrade at the end of one hour.

(c) Immediately after each transformer and/or electromagnet coil has been tested under (a) of this subdivision, a test for breakdown capability will be made by applying between windings and between each winding and the core or enclosure, for a period of five minutes, a potential ten times the maximum rated

effective potential of the circuit in which the coil or winding is connected.

(d) All components containing wax or other sealing, insulating or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees centigrade and maintained for a period of 15 minutes. If sealing, insulating or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components in the device. The electrical characteristics of each unit shall be measured at these temperatures and any deviations from their normal ratings that would adversely affect the operation of the auto-alarm device shall preclude the use of that component.

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted at the Commission's Laboratory at Laurel, Maryland, and shall be at the expense of the manufacturer or person submitting the auto-alarm for approval. The report of these tests will be furnished to the Commission only. Tests will be conducted as described in the following paragraphs with the auto-alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 micromicrofarad capacitor and a 5 ohm resistor connected in series. The receiver will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified.

(a) Test of sensitivity of the auto-alarm at the radio frequency 500 kc to determine operation of the aural warning device.

(1) Measurement of minimum alarm signal input, A2 emission, 30 per cent modulated with a 300 cycles per second tone, required to operate aural warning device.

(2) Test of operation using 100 microvolts alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(3) Test of operation using 1 volt alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(4) Using A2 emission, 30 percent modulated with a 1350 cycles per second tone, test as in (a) (1) (2) and (3)

(5) Test of aural warning device operation with 50 microvolts noise input and 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(b) Test to determine operation of aural warning device from a 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kc, inclusive.

(c) Test of auto-alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kc will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, A2

emission, 30 percent modulation with an 800 cycles per second tone on 492 kc and 200,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 350 kc; similar tests with the same alarm signal and a 25,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 460 kc; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kc will operate aural warning device with simultaneous input of A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 540 kc at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kc at 200,000 microvolts.

(d) Test of selector response to dashes from 3.5 up to 6.0 seconds in duration when the spaces between the dashes have a duration from 10 milliseconds to 1.5 seconds. These tests shall be made on the radio frequency 500 kc with an input of 100 microvolts, A2 emission, 30 percent modulated with 300 cycles per second tone.

(e) Test of ability to avoid selector response to the radio telegraph radio-location signal "MO," the "M" being sent in 3.5 seconds and the "O" in 4.5 seconds with 0.1 second space between dashes. These tests shall be made on the radio frequency 500 kc using 100 microvolts input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(f) Test of ability of the aural warning device to operate satisfactorily when the auto-alarm becomes inoperative under the following conditions:

(1) Filament burn-out of any electron tube in the apparatus;

(2) Failure of power supply.

(g) Tests to determine capability of proper operation of auto-alarm over long periods of time under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions.

(1) The auto-alarm device shall be placed in operation for a period of one hour while subjected to each of the following conditions of temperature and relative humidity:

(i) 50 degrees centigrade and 50 percent relative humidity;

(ii) 30 degrees centigrade and 95 percent relative humidity;

(iii) Zero centigrade and 50 percent relative humidity.

(2) The auto-alarm device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(i) While the device is being rocked in such manner as to simulate a roll and pitch of 45 degrees from the vertical.

(ii) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude (0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest) of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(h) Test of the testing device incorporated in the auto-alarm.

(i) Tests to determine satisfactory operation of the apparatus on a 500 kc alarm signal at temperatures of approximately 20 and 50 degrees centigrade. Tests to be made on the frequencies 500, 492 and 508 kc with an input of 100 microvolts, A2 emission, modulated 30 percent with a 300 cycles per second tone.

(j) General inspection of electrical and mechanical features.

(6) *Requirements as to field test.* (i) This test shall be conducted 24 hours a day for a period of not less than 30 consecutive days and shall be for the purpose of ascertaining the reliability of the auto-alarm and its freedom from false operation under practical interference conditions. For this test the auto-alarm shall be connected to an antenna typical of the average main antenna on shipboard and its operation shall be observed continuously during this period.

(ii) During this test period a minimum of 500 test alarm signals shall be transmitted locally while the test antenna is connected to the auto-alarm. The power used for the production of this test alarm signal shall be produced by a suitable radio frequency generator coupled to the antenna system. The receiver internal sensitivity adjustment (if provided) shall be set at the value designated by the manufacturer. During the official test period, adjustment of the auto-alarm shall not be made more than once in each 12 consecutive hours.

(iii) Tests for response to the alarm signal shall be made on at least the radio frequencies 492, 500, and 508 kc in a proportion on each frequency as determined by the Commission.

(b) Each type of auto-alarm approved by the Commission prior to the effective date of this section is approved, as to its type for use on board ship as provided by section 353 of the Communications Act or by the applicable provisions of the Safety Convention until such time as the Commission in consideration of developments with respect to improved types of auto-alarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.

NOTE: The provisions of this paragraph supersede any provisions of any order heretofore promulgated by the Commission which are in conflict herewith.

(c) No change shall be made in any auto-alarm under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(d) Type approval of an auto-alarm when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless

it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

§ 8.555 *Requirements for automatic-alarm-signal keying device.* (a) To be approved by the Commission for use in compliance with § 8.508 and to be recognized as being capable of functioning in compliance with §§ 8.508 and 8.509. Each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

(b) No change shall be made in any automatic-alarm-signal keying device under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(c) Type approval of an automatic-alarm-signal keying device when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

(1) *Basic technical requirements.* (i) The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

(ii) The device shall be designed so as to properly operate, on board ships at sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 355 of the Communications Act of 1934, as amended. A list of transmitters approved by the Commission for this purpose will be furnished upon request.

(iii) Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

(iv) The keying mechanism shall operate so as to repeatedly transmit the alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

(v) A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without

further attention for a period of not less than one hour.

(vi) The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power independent of the propelling power of the ship and independent of any other system: *Provided, however* That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

(vii) When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operating within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from the conditions occur.

(viii) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(ix) Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(2) *Requirements as to construction.*

(i) The design of the automatic-alarm-signal keying device shall be in accordance with the modern engineering practice and the device shall be capable of operating under conditions of constant and severe vibrations and extreme variations of temperature and humidity equivalent to those experienced on board ships at sea under the worst possible conditions. This requirement applies only to use of the device on board such types of vessels as are normally subject to Title III, Part II of the Communications Act.

(ii) A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for type testing and approval.

(3) *Requirements as to testing and approval.*

(i) Before an automatic-alarm-signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided*, That the Commission, within its discretion, may relax to a reasonable extent the provisions of subparagraph (4) of this paragraph, Requirements as to manufacturers' tests, with respect to an automatic-alarm signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these requirements and type tests.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "manufacturers' tests" and at the expense of the manufacturer or person submitting the device for approval.

(iv) Laboratory tests shall be conducted by the Commission, and/or by any other cooperating United States Government department as may be appropriate, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other government department, will be available to the Commission only. *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) Tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

(ii) Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device.

(5) *Requirements as to laboratory tests.* (i) The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934 (a list of the types of transmitters approved by the Commission for this purpose will be furnished upon request). For the purpose of demonstrating compliance with this requirement the transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-

inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test, arcing shall not occur when the keying contacts are operated which would unduly affect the duration of the dashes and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

(ii) The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(a) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic alarm receiver storage battery power supply of vessels on which the device is to be used (Radio station emergency power supplies having potentials of 12, 24, and 110 volts are commonly used on board vessels of the United States. Twelve volt emergency power supplies are most common on these vessels. Some of the approved automatic alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 or 24 volts) or from a separate and independent source of power furnished as an integral part of the device. For this operation test the potential of the electrical power supply, if used, shall be varied over a voltage range of plus or minus 15 per cent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(b) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph.

(a) The keying device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relative humidity:

(1) 50 degrees centigrade and 50 percent relative humidity.

(2) 30 degrees centigrade and 95 percent relative humidity.

(3) Zero centigrade and 50 percent relative humidity.

(b) The keying device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(1) While the keying device is being rocked in such a manner as to simulate a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(2) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude (0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest) of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(3) The keying device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair, when in service.

(4) The keying device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions, together with precautions taken to prevent tampering with adjustments.

(5) Indicating instruments (when provided) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capable of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

§ 8.556 *General requirements for lifeboat radio equipment.* (a) To be approved by the Commission pursuant to § 8.520, lifeboat radio equipment shall comply with the following general requirements in addition to the applicable specific requirements set forth in §§ 8.557, 8.558 and 8.559, except that equipment to which the provisions of § 8.559 are applicable need not meet the requirements of subparagraphs (1) and (5) of this paragraph.

(1) The design and construction of the radio equipment shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(2) The components and assembly of the entire lifeboat radio equipment shall insure the utmost dependable operation and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. Components shall be housed and treated to withstand saline dampness and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(3) A durable nameplate shall be mounted on the equipment or made an

integral part thereof showing at least the following:

- (i) The type or model number;
- (ii) The name of the manufacturer;
- (iii) The month and year of manufacture.

(4) Each lifeboat equipment shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the equipment.

(5) Simple instructions which are durable and waterproof and suitable for the use of an unskilled person shall be permanently and conspicuously attached to the control panel or surface of the transmitter, receiver or power supply. These instructions shall contain information together with sketches covering the erection of the antenna(s) and the operation of the equipment for automatic transmission; also information as to manual transmission of the international distress signal for radiotelegraphy and the international auto-alarm signal, and a statement that the latter signal is effective only if transmitted on the frequency 500 kc.

§ 8.557 *Requirements for lifeboat portable radio equipment.* (a) There shall be provided as a single unit a portable buoyant apparatus consisting of a transmitter, receiver, power supply, grounding conductor, a collapsible rod antenna or in lieu thereof a collapsible mast, a single wire antenna, and a line for lowering the apparatus.

(1) The apparatus, as a single unit, shall be of sufficient buoyancy to float in sea water and shall be sufficiently rugged in construction to withstand physical shocks and rough handling. The apparatus shall be deemed to comply with this requirement if, after being dropped into sea water in various positions from a height of at least 20 feet, it can be operated immediately without any repair or adjustment (other than normal antenna circuit tuning) and without departure from required performance. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the head receiver, against physical harm from accidental or inadvertent blows and from the adverse effects of prolonged exposure to the weather. Operational parts of the apparatus adversely affected by immersion in sea water shall be enclosed so as to provide the necessary protection. Any such enclosure shall be deemed to be water-tight if it can be submerged in sea water so that no part is less than two inches below the surface of the water for a continuous period of two hours without leaking.

(2) The apparatus, as a unit, shall be fitted with durable handles or grips. These shall be so arranged and the distribution of the weight of the apparatus shall be such as to provide for convenient carrying by either one or two persons.

(3) Provision shall be made for securely fastening components of the apparatus, by lashing or other acceptable means, to a lifeboat thwart as may be necessary to enable easy and convenient operation of the lifeboat portable radio equipment.



(4) The apparatus exclusive of the line for lowering shall not weigh more than sixty pounds.

(5) The line for lowering shall consist of not less than 40 feet of 9 thread manila or sisal rope, or the equivalent thereof, which shall be in good condition and securely attached to the apparatus at all times.

(6) Components of the apparatus subject to loss by detachment from the

unit for operation or test of the equipment shall be so arranged as to insure their availability at all times.

(7) Each apparatus shall be equipped with a durable removable plate showing clearly the lifeboat radio call sign in letters and digits and in characters of the International Morse Code.

(b) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentage of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
500-----	Percent 0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 0.25 watt.	1 ohm resistance, 75 micromicrofarads capacitance.
500-----	.5	A2	do-----	do-----	Not less than 1.7 watts.	10 ohms resistance, 75 micromicrofarads capacitance.
8364-----	.02	A2	do-----	do-----	Not less than 4 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies: *Provided*, That not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(1) On 500 kc for transmission of the international alarm signal followed by the international distress signal for radiotelegraphy the latter to be trans-

mitted in one or more separate groups, each group consisting of three separate distress signals.

(ii) On 8364 kc for transmission of the international distress signal for radiotelegraphy in one or more separate groups, each group consisting of three separate distress signals; this group or these groups to be followed by a continuous long dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) For completely de-energizing the receiver during such operation of the transmitter.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(vi) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(5) The transmitter shall be equipped with a reliable visual indicator or indicators as may be necessary (such as neon tubes) to indicate antenna circuit resonance at each operating frequency with any antenna provided. Failure of the indicator(s) shall have no adverse effect on the actual operation of the transmitter.

(c) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of

audio power is developed in a noninductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500-----	200	0.3	400	10 ohms resistance and 75 micromicrofarads capacitance.
8364-----	1000	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for the reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(d) The power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation. The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and plus 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute nor shall the cycles of operation of the propelling lever(s) be greater than 70 cycles per minute. The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The single wire antenna and the collapsible rod antenna or the collapsible mast provided in lieu thereof shall comply with the following requirements:

(1) The collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus. The collapsible mast provided in lieu of the collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each



particular type of lifeboat radio apparatus and capable of supporting the required single wire antenna.

(2) The single wire antenna shall consist of a length of at least 40 feet of extra-flexible stranded copper wire having a cross-sectional area of not less than 10,000 circular mils together with means for effective insulation of the antenna, means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter.

(f) The grounding conductor shall comply with the following requirements:

(1) The grounding conductor shall consist of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely

fastened to an effective ground terminal on the apparatus.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes, at the frequencies 500 kc and 8364 kc, of approximately the same electrical characteristics as the single wire antenna required by this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

§ 8.558 *Requirements for lifeboat non-portable radio equipment.* (a) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentages of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
500	Percent 0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 50 watts.	10 ohms resistance and 100 microfarads capacitance.
8364	.02	A2	do.	do.	Not less than 40 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies; provided that not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the

time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal for radiotelegraphy, the latter to be transmitted in one or more separate groups, each group consisting of three separate distress signals.

(ii) On 8364 kc for transmission of the international distress signal for radiotelegraphy in one or more separate groups, each group consisting of three separate distress signals; this group or these groups to be followed by a continuous long dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(5) The transmitter shall be equipped with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit for each operating frequency.

(b) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a non-inductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
490	25	0.3	470	10 ohms resistance and 100 microfarads capacitance.
8264	150	0.3	450	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(6) The receiver shall be capable of developing a useful audio power for the purpose of the reception of type A2 emission of at least 6 milliwatts into the non-inductive load resistor prescribed in subparagraph (2) of this paragraph.

(c) The power supply shall comply with the following requirements:

(1) The power supply for the transmitter and the receiver shall consist of a storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(d) The antenna shall comply with the following requirements:

(1) A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(e) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter

for test purposes at the frequencies 500 kilocycles and 8364 kilocycles, of approximately the same electrical characteristics as the antenna required by paragraph (d) (1) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be effectively grounded to a bare plate and/or strips of a corrosion resistant metal having a total area of at least six square feet and located on the hull of the lifeboat below the waterline.

§ 8.559 *Transitional provisions for lifeboat non-portable radio equipment.* Any type of non-portable lifeboat radio equipment which complies with the former requirements of § 8.557 prior to revision (copies of former § 8.557 may be secured without charge upon request addressed to Secretary, Federal Communications Commission, Washington 25, D. C.) of that section effective December 3, 1952, shall be deemed to comply with the requirements of § 8.520 (c) provided the equipment was installed in a motor lifeboat prior to December 3, 1953, and if the equipment meets the following specific requirements from the respective dates set forth:

Requirement	Date
Section 8.558 (a) (1) Transmitter requirement that modulation frequency be not less than 450 cycles per second nor greater than 1350 cycles per second, if equipment installed on or after Nov. 19, 1952.....	Nov. 19, 1952
Section 8.558 (a) (1) Transmitter requirements applicable to transmission on 8364 kc, if equipment installed on or after Nov. 19, 1952.....	Nov. 19, 1953
Section 8.558 (a) (1) Transmitter requirement that modulation percentage be not less than 70.....	Nov. 19, 1952
Section 8.558 (a) (4) Transmitter requirements regarding an automatic keying device for operation on 500 kc and, if radio equipment installed on or after Nov. 19, 1952, also for operation on 8364 kc: For equipment required to be provided by reason of the provisions of the Safety Convention.....	Nov. 19, 1953
For equipment required by law to be provided but not so required under any provision of the Safety Convention.....	June 1, 1955

Requirement	Date
Section 8.558 (b) Receiver requirements regarding reception on frequencies between 8268 and 8745 kc, if equipment installed on or after Nov. 19, 1952.....	Nov. 19, 1953
Section 8.520 (d) (4) Provision of means for charging the radio battery after the lifeboat is launched, if equipment is installed on or after Nov. 19, 1952.....	Nov. 19, 1952
Section 8.520 (e) Radio field intensity requirement: For equipment required to be provided by reason of the provisions of the Safety Convention.....	Nov. 19, 1954
For equipment required by law to be provided but not so required under any provision of the Safety Convention.....	June 1, 1955

#### SUBPART T—VIOLATIONS

§ 8.601 *Answers to notice of violation.* (a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest

practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy pertaining to any provision of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document as issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, then the instructions issued by the Commission's representative shall supersede those set forth in paragraph (a) of this section.

§ 8.602 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in appendix 2 of the International Radio Regulations.

#### SUBPART U—RESERVED.

#### SUBPART V—APPENDICES

§ 8.801 *Appendix I—Location of Engineering Field Offices and Monitoring Stations.*

(a) Radio districts and addresses of engineers in charge thereof.

Radio district	Address of the engineer in charge	Territory within district—	
		States	Counties
1	1600 Customhouse, Boston 9, Mass..	Connecticut.....	All counties.
		Maine.....	Do.
		Massachusetts.....	Do.
		New Hampshire.....	Do.
		Rhode Island.....	Do.
		Vermont.....	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y..	New Jersey.....	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.
		New York.....	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queen, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware.....	New Castle.
		New Jersey.....	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania.....	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	500 McCawley Bldg., 400 East Lombard St., Baltimore, Md.	Delaware.....	Kent and Sussex.
		Maryland.....	All except District 24.
		Virginia.....	Clarke, Fairfax (except District 24) Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia.....	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina.....	All except District 6.
	Ship Office: Room 200, U. S. Post Office Bldg., Newport News, Va.	Virginia.....	All except District 4.
6	411 Federal Annex, Atlanta 3, Ga.	Alabama.....	All except District 8.
	Suboffice: P. O. Box 77, 214 Post Office Bldg., Savannah, Ga.	Georgia.....	All counties.
		North Carolina.....	Ash, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina.....	All counties.
		Tennessee.....	Do.

[illegible]

## RULES AND REGULATIONS

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 458, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H. (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2310 Northeast 148 Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine; main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

§ 8.802 Appendix II—Tables of ship radiotelegraph frequencies from 2000 kc to 23000 kc and ship radiotelephone frequencies from 4000 kc to 23000 kc.

Table 1-a—Passenger ship radiotelegraph working frequencies between 2 Mc and 23 Mc.

Table 1-b—Ship radiotelegraph calling frequencies between 2 Mc and 23 Mc.

Table 1-c—Cargo ship [telegraph] working frequencies between 2 Mc and 23 Mc.

Table 2—Ship radiotelegraph frequency assignment plan.

Table 3—Ship radiotelephone frequencies between 4 Mc and 23 Mc.

The following procedures and tables may be used in applying for license for the frequencies listed in Tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to ship stations. Frequencies assigned in accordance with this Appendix to a station on a particular vessel may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the attached tables may only be used in the manner and to the extent permitted elsewhere in this part.

Ship radiotelegraph frequency columns appearing in Tables 1-a, 1-b, and 1-c designated by the symbols P1, P14, P15, C1 and F49 contain frequencies in the 4, 6, 8, 12, 16 and 22 Mc bands which are not available for assignment by the Commission. These frequencies are required for assignment exclusively to U. S. Government ship stations. The remaining 2 Mc frequencies (2067.5, 2085, 2087.5, 2089, and 2106 kc), when assigned, will not be designated by frequency column symbols.

Radiotelegraph, 2000 kc to 23000 kc. The applicant must consult Table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in Table 2 may be determined from

Table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

**Calling frequencies.** Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol. Application for frequency column symbol C5 may additionally be made for vessels having life boats or other survival craft equipped for high frequency radio transmission for use of those frequencies by equipment aboard such lifeboats or survival craft.

**Cargo ship working frequencies.** Application may be made for one cargo working frequency column symbol, from the "F" series, for each cargo ship, which will include one frequency from the 2 Mc and two frequencies each from the 4, 6, 8, 12, 16 and 22 Mc

bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies.

**Passenger ship working frequencies.** Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

**High frequency (Long distance) radiotelephone.** Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

TABLE 1-a—PASSENGER SHIP RADIOTELEGRAPH WORKING FREQUENCIES

P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12	P13	P14	P15
2067.5				2071.25		2075			2078.75			2082.5	2085	2087.5
		2068.75		2072.5		2076.25		2080						
		2070		2073.75		2077.5		2081.25						
4135			4142.5	4145		4150		4157.5		4165		4170		4175
4137.5			4140			4147.5		4155		4162.5				
6202.5				6213.75		6225			6236.25			6247.5	6255	6262.5
		6206.25		6217.5		6228.75		6240						
		6210		6221.25		6232.5		6243.75						
8270			8285		8300			8315		8330		8340		8350
	8275		8290		8305			8320		8325				
	8280		8295		8310			8325						
12405			12427.5		12450			12472.5		12495		12510		12525
	12412.5		12435		12457.5			12480						
	12420		12442.5		12465			12487.5						
16540			16570		16600			16630		16660		16680		16700
	16550		16580		16610			16640						
	16560		16590		16620			16650						
22075			22105		22125			22145		22175		22195		22215
	22085		22105		22135			22155						
			22095		22115			22145		22165				

TABLE 1-b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES

Q	Q	Q	Q	Q	Q	Q	Q
2099	2099.5	2099.5	2099.5	2099.5	2099.5	2099.5	2099.5
4175	4175	4175	4175	4175	4175	4175	4175
6057	6057	6057	6057	6057	6057	6057	6057
8355	8355	8355	8355	8355	8355	8355	8355
12571	12571	12571	12571	12571	12571	12571	12571
16712	16712	16712	16712	16712	16712	16712	16712
22225	22225	22225	22225	22225	22225	22225	22225

\* These frequencies are available only to aircraft, and lifeboats and other survival craft, for communication with stations of the Maritime Mobile Service.

\* Lifeboats and survival craft compulsorily equipped with radio apparatus under international agreement, must be capable of transmitting on this frequency if such apparatus provides for the use of frequencies between 4000 kc and 23,000 kc.

TABLE 1-c—CARGO SHIP WORKING FREQUENCIES

F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11	F12	F13	F14	F15	F16	F17	F18	F19	F20	F21	F22	F23	F24	F25	F26	F27	F28	F29	F30	F31	F32	F33	F34	F35	F36	F37	F38	F39	F40	F41	F42	F43	F44	F45	F46	F47	F48	F49	
2094	2094.25	2094.5	2094.75	2095	2095.25	2095.5	2095.75	2096	2096.25	2096.5	2096.75	2097	2097.25	2097.5	2097.75	2098	2098.25	2098.5	2098.75	2099	2099.25	2099.5	2099.75	2100	2100.25	2100.5	2100.75	2101	2101.25	2101.5	2101.75	2102	2102.25	2102.5	2102.75	2103	2103.25	2103.5	2103.75	2104	2104.25	2104.5	2104.75	2105	2105.25	2105.5	2105.75	2106	
4188	4212.5	4188.5	4213	4189	4213.5	4189.5	4214	4190	4214.5	4190.5	4215	4191	4215.5	4191.5	4216	4192	4216.5	4192.5	4217	4193	4217.5	4193.5	4218	4194	4218.5	4194.5	4219	4195	4219.5	4195.5	4220	4196	4220.5	4196.5	4221	4197	4221.5	4197.5	4222	4198	4222.5	4198.5	4223	4199	4223.5	4199.5	4224	4200	4224.5
6282	6318.75	6282.5	6319	6283	6319.5	6283.5	6320	6284	6320.5	6284.5	6321	6285	6321.5	6285.5	6322	6286	6322.5	6286.5	6323	6287	6323.5	6287.5	6324	6288	6324.5	6288.5	6325	6289	6325.5	6289.5	6326	6290	6326.5	6290.5	6327	6291	6327.5	6291.5	6328	6292	6328.5	6292.5	6329	6293	6329.5	6293.5	6330	6294	6330.5
8376	8425	8377	8426	8378	8427	8379	8428	8380	8429	8381	8430	8382	8431	8383	8432	8384	8433	8385	8434	8386	8435	8387	8436	8388	8437	8389	8438	8390	8439	8391	8440	8392	8441	8393	8442	8394	8443	8395	8444	8396	8445	8397	8446	8398	8447	8399	8448	8400	8449
12564	12567.5	12565.5	12566.5	12567	12568	12568.5	12569.5	12570	12571	12571.5	12572.5	12573	12573.5	12574	12574.5	12575	12575.5	12576	12576.5	12577	12577.5	12578	12578.5	12579	12579.5	12580	12580.5	12581	12581.5	12582	12582.5	12583	12583.5	12584	12584.5	12585	12585.5	12586	12586.5	12587	12587.5	12588	12588.5	12589	12589.5	12590	12590.5	12591	12591.5
16752	16850	16754	16852	16755	16854	16756	16856	16757	16858	16758	16860	16759	16862	16760	16864	16761	16866	16762	16868	16763	16870	16764	16872	16765	16874	16766	16876	16767	16878	16768	16880	16769	16882	16770	16884	16771	16886	16772	16888	16773	16890	16774	16892	16775	16894	16776	16896		
22272.5	22335	22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345	22283	22345.5	22283.5	22346	22284	22346.5		
22272.5	22335	22273	22335.5	22273.5	22336	22274	22336.5	22274.5	22337	22275	22337.5	22275.5	22338	22276	22338.5	22276.5	22339	22277	22339.5	22277.5	22340	22278	22340.5	22278.5	22341	22279	22341.5	22279.5	22342	22280	22342.5	22280.5	22343	22281	22343.5	22281.5	22344	22282	22344.5	22282.5	22345								



TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY ASSIGNMENT PLAN  
[For columns of frequencies designated by these symbols, see Table 1, above]

	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp. of America.	C3, C5, C7, C9...	P3, P7, P10, P11, P13.	F1, F3, F5, F7, F9, F11, F13, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47, F2, F6, F8, F10, F14, F18, F20, F24, F28, F32, F34, F36, F40, F42, F46, F4.
Mackay Radio & Telegraph Co., Inc.	C2, C4, C5, C6...	P2, P4, P8.....	
Tropical Radio Telegraph Co.	C5, C8.....	P6, P12.....	
Matson Navigation Co.	C5, C8.....	P6, P12.....	F12, F16.
Globe Wireless Co.	C5, C8.....		
Other applicants: <sup>1</sup>			
A-O.....	C5, C8.....	P5, P9.....	F22, F26.
D-L.....	C5, C8.....	P5, P9.....	F30.
M.....	C5, C8.....	P5, P9.....	F38.
N-R.....	C5, C8.....	P5, P9.....	F44.
S.....	C5, C8.....	P5, P9.....	F46.
T-Z.....	C5, C8.....	P5, P9.....	

<sup>1</sup>See footnotes 1 and 2 in Table 1-b, "Ship Radiotelegraph Calling Frequencies", above.

<sup>2</sup> Applicants other than the above listed companies must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or O, he may apply only for frequency column symbols C3, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The", the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group; C8; P5 and P9, or F30: Marine Communications, Inc.; A. B. Miller and Co., C. D. Munsey; E. F. Murphy, Alfred Abrams, et al.

NOTE: The frequencies represented by Symbols O1, P1, P14, P15 and F49 are not available for assignment under this plan.

TABLE 3—SHIP RADIOTELEPHONE FREQUENCIES BETWEEN 4 Mc AND 23 Mc

Frequency column symbol: R1]

4 Mc		8 Mc		12 Mc		16 Mc		22 Mc	
Coast <sup>1</sup>	Ship	Coast <sup>1</sup>	Ship	Coast <sup>1</sup>	Ship	Coast <sup>1</sup>	Ship	Coast <sup>1</sup>	Ship
4067.0 <sup>2</sup>	4067.0 <sup>2</sup>	8747.6	8193.4	13157.5	12357.3	17302.1	16471.9	22677.5	22027.3
4372.4	4067.0	8747.6	8193.4	13172.9	12372.7	17317.5	16487.3	22692.9	22042.7
4372.4 <sup>2</sup>	4372.4 <sup>2</sup>	8205.5 <sup>1</sup>	8205.5	13180.6	12380.4	17340.6	16510.4	22716.0	22065.8
4393.1	4087.7	8761.8	8212.6 <sup>2</sup>	13196.0	12395.8	17356.0	16525.8		
4406.9	4101.5	8768.9	8219.7						
4420.7	4115.3	8797.3	8248.1						
4427.6	4122.2	8811.5	8262.3						
4434.5	4129.1								

<sup>1</sup>This tabulation does not authorize ship stations to transmit on coast station frequencies.

<sup>2</sup>Mississippi River System simplex operation only.

### § 8.803 Appendix III—General exemption orders issued exempting ships from compulsory radio provisions.

(a) Order, April 26, 1955, granting exemption, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, to:

(1) All United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956, when navigated on voyages in the open sea in waters lying between:

Hog Island, Virginia and Fire Island Light, New York; or  
Hillsboro Light and Triumph Reef Beacon, Florida; or

Naples, Florida and Brownsville, Texas; or  
Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or  
Salt Point and Point Sur, California;

Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(2) All United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956; Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(b) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

[F. R. Doc. 55-7492; Filed, Sept. 15, 1955; 8:45 a. m.]

[FCC 55-941]

[Rules Amdts. 2-7 and 12-13]

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### PART 12—AMATEUR RADIO SERVICE

##### TRANSMITTER POWER OF CERTAIN RADIO STATIONS OPERATING IN AMATEUR SERVICE

In the matter of Amendment of Parts 2 and 12 of the Commission's rules and regulations concerning the transmitter power of radio stations operating in the Amateur Service in the band 420-450 Mc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September 1955;

The Commission having under consideration the above-captioned matter;

It appearing, that the Commission is in receipt of petitions filed by Mr. H. H. Robinson of Silver Spring, Maryland, and by Mr. Albert J. Balusek of San Antonio, Texas, requesting the Commis-

sion to amend Parts 2 and 12 of the Commission's rules and regulations so as to remove the present power limitation for stations operating in the Amateur radio service in the band 420-450 Mc; and

It further appearing, that Mr. Balusek also requested the amendment of Part 2 of the Commission's rules so as to substitute the date February 15, 1956, in lieu of the date February 15, 1958, in footnote US11 of the Commission's Table of Frequency Allocations; and

It further appearing, that the Commission has considered the requirements of the aeronautical radionavigation service and finds that this service will require the use of this band, at least until January 15, 1958; and

It further appearing, that after due investigation and consideration of these matters and all of its statutory obligations and duties, the Commission has concluded that at this time it is practical and in the public interest to grant the petitions, in part only, by amending its rules so as to specify a transmitter plate input power not to exceed 50 watts in lieu of the presently specified peak antenna power of 50 watts as the method for the determination of power for stations in the Amateur radio service in the band 420-450 Mc; and

It further appearing, that Notice of Proposed Rule Making within the meaning of sections 4 (a) and 4 (b) of the Administrative Procedure Act is unnecessary in view of the minor and technical nature of the change in the Commission's rules herein effectuated; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended,

It is ordered, That, effective October 12, 1955, Parts 2 and 12 of the Commission's rules are amended as set forth below:

It is further ordered, That the petition of Albert J. Balusek, regarding the amendment of footnote US11 is hereby denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 12, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

A. Part 2 is amended as follows:

1. Section 2.104 (a) (5) is amended by deleting the present wording of footnote US18 appearing in the Table of Frequency Allocations for the frequency band 420-450 Mc and inserting in lieu thereof the following wording:

US18 The power to be employed by amateur stations in this band will not exceed 50 watts DC plate power input to the final stage of the transmitter.

B. Part 12 is amended as follows:

1. Section 12.111 (k) is amended by deleting the sentence: "Peak antenna power shall not exceed 50 watts in order

to minimize interference to aircraft altimeters temporarily allocated to this band" from this paragraph and inserting in lieu thereof the following sentence—"The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts"

2. Section 12.131 is amended by deleting the parenthetical statement: "(where peak antenna power shall not exceed 50 watts)" and inserting in lieu thereof the following parenthetical statement "(where the maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts)"

[F. R. Doc. 55-7523; Filed, Sept. 15, 1955; 8:52 a. m.]

[Docket No. 11403; FCC 55-924]

[Rules Amdts. 7-3, 8-2]

**PART 7—STATIONS ON LAND IN THE MARITIME SERVICES**

**PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES**

**CERTAIN FREQUENCIES IN BOSTON, MASS., AREA**

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding frequencies in the band 2000-2850 kc in the Boston, Massachusetts area.

1. On June 3, 1955, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on June 8, 1955 (20 F. R. 3962) and the time for filing comments has now expired. The proposed amendment was for the purpose of deleting the existing "day only" frequency pair 2550 kc (coast)—2158 kc (ship) at Boston, Massachusetts and to make available on a full time basis the frequency pair 2450 kc (coast)—2366 kc (ship) as a replacement therefor.

2. The New England Telephone & Telegraph Company filed comments in support of the Commission's proposal, noting that there is a Navy transmitting operation on 2370 kc in the vicinity of Newport, Rhode Island, where the Telephone Company has a receiving installation, associated with its station WOU, which will be receiving on 2366 kc. No other comments were received.

3. The maritime mobile (telephone) service of public correspondence licensed by the Commission in the bands between 2000 and 2850 kc is not expected to receive harmful interference from the use of the same and adjacent frequencies by the United States Government. During the interim period in which all assignments of radio frequencies are being changed from the assignment pattern established under the Caro (1938) allocations to those established pursuant to the Atlantic City (1947) allocations, as prescribed in the Agreement of the Extraordinary Administrative Radio Conference (1951) a few transitory cases of interference caused by and received by non-Government stations may be experienced. When the number of frequency adjustments which are involved

in this worldwide change-over of frequency assignments is taken into account, it is noteworthy that the number of cases of interference has been significantly small. Any such cases of interference should be promptly reported in the licensees in the usual manner in order that remedial measures can be taken. Furthermore, the Government operation on 2370 kc mentioned above has been transferred to another frequency as a part of the EARC program.

4. When the proposed rule making was issued, it was expected that the transfer of the police assignments at Freehold, New Jersey, and Norristown, Pennsylvania, from 2366 kc to other frequencies would be completed by August 1, 1955. Although the Freehold, New Jersey, transfer has been effected, the transfer at Norristown, Pennsylvania, is not likely to be completed until a later date. In view of this, it is not feasible to make the new frequency pair available at this time on a full time basis as proposed. Nonetheless, in view of the urgency of replacing the present frequency pair (because of interference to the present ship frequency 2158 kc), the new frequency pair will be made available beginning November 1, 1955, temporarily on a "day only" basis. The remaining police assignment will be re-

moved by May 1, 1956, at which time the frequencies will become available for marine use on a full time basis.

5. The simultaneous deletion of the old frequency pair and the availability of the new frequency pair on a "day only" basis will occur on November 1, 1955. This date was selected in consideration of the time interval needed by coast and ship stations to complete the frequency changeover.

6. In view of the above and pursuant to section 303 (f) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective immediately, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1069, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 43 Stat. 1022, as amended; 47 U. S. C. 303)

Adopted: September 7, 1955.

Released: September 12, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

**A. Part 7 is amended as follows:**

1. Section 7.306 (b) is amended by changing the Boston, Massachusetts portion of the table of frequencies to read:

Boston, Mass.-----	2366 2360	None. Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any Government station operating on this frequency or any adjacent frequency.	2158 2153	None. Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any Government station operating on this frequency or any adjacent frequency.
	2450	Temporarily day only beginning Nov. 1, 1955, as replacement for 2366 kc. Beginning May 1, 1956, no limitation with respect to hours of use.	2550	Temporarily day only beginning Nov. 1, 1955, as replacement for 2158 kc. Beginning May 1, 1956, no limitation with respect to hours of use.

**B. Part 8 is amended as follows:**

1. Section 8.354 (a) (1) is amended by changing the Boston, Massachusetts portion of the table of frequencies to read:

Boston, Mass.-----	2450 2453	None. Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.	2366 2360	None. Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.
	2550	Temporarily day only beginning Nov. 1, 1955, as replacement for 2453 kc. Beginning May 1, 1956, no limitation with respect to hours of use.	2158	Temporarily day only beginning Nov. 1, 1955, as replacement for 2360 kc. Beginning May 1, 1956, no limitation with respect to hours of use.

[F. R. Doc. 55-7524; Filed, Sept. 15, 1955; 8:52 a. m.]

[FCC 55-329]

[Rules Amdt. 18-3]

**PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE**

**MISCELLANEOUS AMENDMENTS**

In the matter of amendment of Part 18 of the Commission's rules and regulations governing the Industrial, Scientific, and Medical Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of September 1955;

The Commission having under consideration the desirability of making certain editorial changes in Part 18 of its rules and regulations in order to standardize the terminology with respect to "assigned frequencies" and "assigned bands" by utilizing the former term; and

It appearing, that the amendments herein ordered are all editorial in nature and that a notice of proposed rule making in compliance with section 4 (a) of the Administrative Procedure Act is therefore unnecessary; and

It further appearing, that the public interest, convenience and necessity will

be served by the amendments herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended:

*It is ordered*, That, effective October 12, 1955, Part 18 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 12, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Section 18.11 is amended by substituting the following wording for the introductory paragraph:

§ 18.11 *Operation on assigned frequencies.* A station license is not required for the operation of medical diathermy equipment on assigned frequencies provided such operation meets the following conditions:

2. Section 18.11 (a) is amended to read as follows:

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

ISM frequency (kc) <sup>1</sup>	Frequency tolerance (kc)
13,560-----	±6.78
27,120-----	±160.00
40,680-----	±20.00

<sup>1</sup> By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 Mc ± 50 Mc as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than by this part.

3. Section 18.12 is amended by substituting the following wording for the introductory paragraph:

§ 18.12 *Operation on unassigned frequencies.* A station license is not required for the operation of medical diathermy equipment on frequencies other than those specified in § 18.11 (a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

4. Section 18.14 (a) is amended as follows:

§ 18.14 *Submission of equipment for type approval tests.*<sup>2</sup> (a) Manufacturers of medical diathermy equipment designed to operate on the frequencies specified in § 18.11 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be

granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

5. Section 18.14 (b) (1) is amended by substituting for the first sentence the following wording:

(1) The frequency at all times during the tests below shall be maintained within 35% of the tolerance specified in § 18.11 (a)

6. Section 18.14 (b) (1) (ii) is amended to read as follows:

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (i). *Provided, however* That equipment designed to operate on the frequencies set forth in § 18.11 (a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of the tolerance provided for.

7. Section 18.21 is amended by substituting the following wording for the introductory paragraph.

§ 18.21 *Operation on assigned frequencies.* A station license is not required for the operation of industrial heating equipment on assigned frequencies provided such operation meets the following conditions.

8. Section 18.21 (a) and (b) are amended to read as follows:

(a) In accordance with the general conditions of operation set out in the certification required by paragraph (c) of this section, such operation shall be confined to one or more of the following frequencies:

ISM frequency (kc) <sup>1</sup>	Frequency tolerance (kc)
13,560-----	±6.78
27,120-----	±160.00
40,680-----	±20.00

<sup>1</sup> By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 Mc ± 50 Mc as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc would be governed by the conditions set forth in that order rather than by this part.

The operation of any industrial heating equipment or device on frequencies other than those listed hereinabove shall be discontinued after the effective date of the Atlantic City Radio Regulations if interference be caused to any authorized services. However, in any event, operation of such devices on frequencies other than those listed above shall be discontinued after June 30, 1952, except as provided by § 18.22.

(b) Such operation may be without regard to the type or power of emission being radiated. However, spurious and harmonic radiations shall be suppressed so that such radiations do not exceed a strength of 10 microvolts per meter at a distance of one mile or more from the radiating equipment. Filtering between the radiating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than those specified in paragraph (a) of this section with a strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment, when measured at a distance of 50 feet from the power line.

9. Section 18.22 is amended by substituting the following wording for the introductory paragraph:

§ 18.22 *Operation on unassigned frequencies.* A station license is not required for the operation of industrial heating equipment on frequencies other than those specified in § 18.21 (a) provided such operation is in accordance with the general conditions of operation set out in the guarantee or certificate required in paragraph (b) of this section, and meets the following conditions:

[F R. Doc. 55-7525; Filed, Sept. 16, 1955; 8:52 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### FEES

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511, 52 Stat. 1055; 21 U. S. C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996) the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals (21 CFR Part 120; 20 F R. 739, 2304, 4772) are amended by changing paragraphs (a) through (g), inclusive, of § 120.33 to read as follows:

§ 120.33 *Fees.* (a) Except as noted in paragraphs (b) and (c) of this section, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of \$1,000, plus \$100 for each raw agricultural com-

modify more than nine on which the establishment of a tolerance is requested.

(b) Except as noted in paragraph (c) of this section, a petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of \$1,500, plus \$100 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a deposit of \$100, plus \$100 for each raw agricultural commodity on which a tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of \$1,000, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of \$100 for clerical handling and initial administrative review, plus \$100 for each raw agricultural commodity on which the temporary tolerance is sought.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a \$100 fee for clerical handling and initial administrative review, shall be returned unless the petitioner indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of \$100.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of \$300, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a deposit of \$300 or by a deposit equal to the one originally submitted, whichever is smaller.

**Effective date.** This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessarily prerequisites to the promulgation of this order, and I so find, since the fees set forth in this order are necessary in order to provide, equip, and maintain an adequate service and the collection of such fees is required by law.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 68 Stat. 511; 21 U. S. C. 348)

Dated: September 12, 1955.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 55-7516; Filed, Sept. 15, 1955;  
8:50 a. m.]

#### PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

#### PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

#### PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

##### PENICILLIN V

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 507, 59 Stat. 463; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for tests and methods of assay and certification of penicillin and

penicillin-containing drugs (21 CFR, 1934 Supp., Parts 141a, 146, 146a; 20 F. R. 2551) are amended as indicated below:

1. Section 141a.9 *Penicillin tablets* is amended in the following respects:

a. In paragraph (a) *Potency* subparagraph (1) is amended by changing the headnote to read: "(1) *Tablets that do not contain benzathine penicillin G or penicillin V*"

b. Paragraph (a) is further amended by adding the following new subparagraph (3):

(3) *Tablets that contain penicillin V* Using the penicillin V working standard as the standard of comparison, proceed as directed in subparagraph (1) of this paragraph.

c. Paragraph (b) *Moisture* is amended to read as follows:

(b) *Moisture.* Use 4 tablets and proceed as directed in § 141a.5 (a) except that if they contain benzathine penicillin G or penicillin V proceed as directed in § 141a.26 (e)

2. Part 141a is amended by adding the following new sections:

§ 141a.81 *Penicillin V (phenoxymethyl penicillin)*—(a) *Potency.* Proceed as directed in § 141a.1, except use the penicillin V working standard as the standard of comparison. If the iodometric assay method is used, proceed as directed in § 141a.5 (d) (1) except determine the factor F as the number of milliliters of 0.01 N I<sub>2</sub> absorbed by 1.0 milligram of penicillin V working standard.

$$\text{Units of penicillin V per milligram} = \frac{\text{Difference in titers} \times \text{Potency of FDA penicillin V working standard in units per milligram}}{\text{Milligrams in 2.0 milliliters tested} \times F}$$

(b) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26 (e)

(d) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c)

(f) *Penicillin V content.* Accurately weigh approximately 50 milligrams of the sample, dissolve in absolute methanol, and make to 100 milliliters with

absolute methanol. Determine the absorbance of the sample at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with absolute methanol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240–290 mμ. If a nonrecording spectrophotometer is used, determine the absorbance (or a solution containing 20 milligrams per 100 milliliters) at the 276 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent penicillin V} = \frac{\text{Absorbance} \times 100,000}{\text{Milligrams of sample per 100 milliliters} \times 34}$$

where 34 is the  $E_{1\%}^{1\text{cm}}$  (specific absorbance) of the pure penicillin V.

§ 141a.84 *Tablets benzathine penicillin G and penicillin V*—(a) *Potency*—(1) *Total penicillin content.* Accurately weigh 6 tablets and grind them to a fine powder. Assay this powder by the iodometric method described in § 141a.5 (d) (1), except in preparing the blank solution accurately weigh a portion of the powder equivalent to approximately 200,000 units of penicillin and make a suspension in 1-percent phosphate buf-

fer, pH 6.0, with a volume of 100 milliliters. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10.0 milliliters of 0.01 N iodine and immediately titrate with 0.01 N Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>. In preparing the solution for inactivation, accurately weigh a portion of the powder equivalent to 200,000 units of penicillin and place in a 100-milliliter volumetric flask. Add 20 milliliters of 0.5 N NaOH

and mix well. Allow to stand for 15 minutes, then add 10 milliliters of 1.2 N HCl, and make to volume with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 10.0 milliliters of 0.01 N iodine. Allow to stand for 15 minutes and then titrate the excess iodine with 0.01 N Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>. Penicillin G is used as the standard of comparison. The total penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Penicillin V content.* Place in a 125-milliliter separatory funnel an accurately weighed quantity of finely ground tablet powder equivalent to approximately 20 milligrams (33,900 units) of penicillin V. Add 50.0 milliliters of spectrophotometric grade chloroform and 1 milliliter of 1:4 H<sub>3</sub>PO<sub>4</sub>. Shake well for 2 minutes. Allow the layers to sep-

arate, filter the lower chloroform layer through a cotton pledget, and collect the clear chloroform solution. Determine the absorbance of the chloroform solution at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with chloroform. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250–290 mμ. If a nonrecording spectrophotometer is used, the original sample used should be equivalent to approximately 10 milligrams of penicillin V. Determine the absorbance of the solution at the 276 mμ absorption peak. (The exact position of the peak should be determined for the particular instrument used.) Calculate the amount of penicillin V per tablet as follows:

$$\text{Penicillin V units per tablet} = \frac{A_{276} \mu \times \text{average weight of each tablet} \times 1,695,000}{\text{Weight of powder taken} \times 2 \times E_{\text{V}}}$$

when  $A_{276} \mu$  = observed absorbance of chloroform solution,

$E_{\text{V}}$  = specific absorbance ( $E_{1\text{ cm}}^{1\%}$ ) of penicillin V standard in chloroform similarly treated.

The penicillin V content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(3) *Penicillin G content.* The penicillin G content of the batch is the difference between the total penicillins determined by the method described in subparagraph (1) of this paragraph and the penicillin V content determined by the method described in subparagraph (2) of this paragraph. The penicillin G content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26 (e)

§ 141a.85 *Capsules penicillin V*—(a) *Potency.* Dissolve the contents of 12 capsules in 1-percent phosphate buffer, pH 6.0, and proceed as directed in § 141a.1, except use the penicillin V standard as the standard of comparison. The average potency of capsules penicillin V is satisfactory if it is not less than 85 percent of the number of units per capsule they are represented to contain.

(b) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 141a.26 (e)

3. Section 146.1 *Definitions and interpretations* is amended in the following respects:

a. Paragraph (f) is amended by adding the following new sentence at the end thereof: "The term 'penicillin V master standard' means a specific lot of crystalline penicillin V which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin V working standard."

b. Paragraph (l) is amended by changing the words "penicillin G master standard;" to read: "penicillin G master standard, except the term 'unit' applied to penicillin V means a penicillin activity contained in 0.59 microgram of the penicillin V master standard;"

c. Paragraph (n) is amended by inserting after the words "potassium penicillin O" the following clause: "the term 'penicillin V working standard' means a specific lot of a homogeneous preparation of penicillin V."

4. Section 146a.27 *Penicillin tablets* is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicilline O, crystalline penicillin V benzathine penicillin G, or procaine penicillin, with or without one or more suitable analgesic substances, antihistamines, and caffeine and with or without one or more suitable and harmless vitamin substances, buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may also contain probenecid or one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is un-scored. Its moisture content is not more than 1.0 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2.0 percent if it contains procaine penicillin; not more than 3.0 percent if it contains crystalline penicillin V and not more than 8.0 percent if it contains benzathine penicillin G. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) *Labeling* is amended by changing subparagraph (1) (vi) to read as follows:

(vi) The statement "Expiration date -----," the blank being filled

in with one of the following dates after the month during which the batch was certified:

(a) If a crystalline penicillin is not used, 12 months.

(b) If a crystalline penicillin is used and it contains a vitamin substance, 18 months.

(c) If a penicillin V is used, and it does not contain a vitamin substance, 24 months.

(d) If a crystalline penicillin other than a penicillin V is used and it does not contain a vitamin substance, 36 months.

(e) In lieu of the expiration date prescribed above for a drug, if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24 months, 36 months, 48 months, or 60 months, such date may be used for such drug:

*Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container

c. Paragraph (d) *Request for certification, samples* is amended by changing subparagraph (2) (ii) to read as follows:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G, crystalline penicillin O, or crystalline penicillin V), crystallinity if it is crystalline penicillin; heat stability if it is crystalline sodium penicillin, potassium penicillin, or crystalline penicillin O; the penicillin G content if it is a penicillin G or crystalline penicillin O; the penicillin V content if it is a penicillin V and the penicillin O content if it is crystalline penicillin O.

d. Paragraph (d) is further amended by changing subparagraph (3) (ii) to read as follows:

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams, except that if it is procaine penicillin, benzathine penicillin G, or penicillin V each package shall contain not less than 300 milligrams, packaged in accordance with the requirements of § 146a.24 (b), 146a.44 (b), 146a.68 (b), or 146a.103 (b)

5. Part 146a is amended by adding the following new sections:

§ 146a.103 *Penicillin V (phenoxymethyl penicillin)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin V is crystalline phenoxymethyl penicillin. It contains not less than 90 percent of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 1,500 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 2.0 percent.

(4) Its pH in a saturated aqueous solution is not less than 2.5 and not more than 4.0.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall



be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as herein-after indicated, the following:

(1) The batch mark.  
(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date \_\_\_\_\_," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, samples.*

(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and penicillin V content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.106 *Tablets benzathine penicillin G and penicillin V* (a) Tablets benzathine penicillin G and penicillin V conform to all requirements and are subject to all procedures prescribed by § 146a.27 for tablets benzathine penicillin G, except that each tablet contains not less than 50,000 units of penicillin V.

(b) In lieu of the labeling directions prescribed for tablets benzathine penicillin G by § 146a.27 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of each kind of penicillin.

(c) In addition to complying with the requirements of § 146a.27 (d) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the penicillin V used in making the batch for potency, toxicity, moisture, pH, crystallinity, and penicillin V content. He shall also submit in connection with his request a sample consisting of not less than 30 tablets of the batch and (unless it was previously submitted) a sample consisting of 10 packages containing approximately equal portions of not less than 300 milligrams each of the penicillin V used in making the batch, packaged in accordance with the requirements of § 146a.103 (b).

(d) The fee for the services rendered with respect to each immediate container in the sample of penicillin V submitted in accordance with the requirements prescribed therefor by this section shall be \$4.00.

§ 146a.107 *Capsules penicillin V* Capsules penicillin V are capsules that conform to all requirements and are subject to all procedures prescribed by § 146a.27 for tablets penicillin V, except that the moisture content of such capsules is not more than 2 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463; 21 U. S. C. 357)

Dated: September 12, 1955.

[SEAL] GEO. P. LARRICK,  
*Commissioner of Food and Drugs.*

[F. R. Doc. 55-7517; Filed, Sept. 15, 1955; 8:50 a. m.]

## TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

### Chapter II—Copyright Office, Library of Congress

#### PART 201—GENERAL PROVISIONS

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

##### MISCELLANEOUS AMENDMENTS

Sections 201.8, 202.1 (c), 202.2 and 202.3 are revised to read as set forth below, effective September 16, 1955.

1. Section 201.8 is revised in its entirety to read as follows:

§ 201.8 *Import statements.* The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, United States Code, as amended by the act of August 31, 1954 (68 Stat. 1030). A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge at the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

2. Section 202.1 (c) is revised in its entirety to read as follows:

#### § 202.1 *Application forms.* \* \* \*

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Published book manufactured in the United States of America (Class A).

Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America (Classes A-B).

Form A-B Foreign—Book or periodical manufactured and first published outside the United States of America, except works subject to the ad interim provisions of the copyright law of the United States of America (Classes A-B).

Form B—Periodical manufactured in the United States of America (Class B).

Form BB—Contribution to a periodical manufactured in the United States of America (Class B).

Form C—Lecture or similar production prepared for oral delivery (Class C).

Form D—Dramatic or dramatic-musical composition (Class D).

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America (Class E).

Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F—Map (Class F).

Form G—Work of art, or a model or design for work of art (Class G).

Form GG—Published three-dimensional work of art (Class G).

Form H—Reproduction of a work of art (Class H).

Form I—Drawing or plastic work of a scientific or technical character (Class I).

Form J—Photograph (Class J).

Form K—Print or pictorial illustration (Class K).

Form KK—Print or label used for article of merchandise (Class K).

Form L-M—Motion picture (Classes L-M)

Form R—Renewal of copyright

Form U—Notice of use of music on mechanical instruments.

3. Sections 202.2 and 202.3 are revised in their entirety to read as follows:

§ 202.2 *Books (Class A)* This class includes such works as fiction and non-fiction, poems, compilations, composite works, directories, catalogs, annual pub-

lications, information in tabular form, and similar text matter, with or without illustrations, published as books, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A, in books manufactured and first published outside of the United States of America, except those subject to the ad interim provisions of the copyright law, on Form A-B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim.

§ 202.3 *Periodicals (Class B)* This class includes such works as newspapers,

magazines, reviews, bulletins, and serial publications, which appear at intervals of less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured and first published outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A-B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim. Applications for registration of claims to

copyright in contributions to periodicals manufactured in the United States of America are made on Form BB. Applications for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

(Sec. 207, 61 Stat. 666; 17 U. S. C. 207)

ARTHUR FISHER,  
*Register of Copyrights.*

Approved: September 12, 1955

L. QUINCY MUMFORD,  
*Librarian of Congress.*

[F. R. Doc. 55-7511; Filed, Sept. 15, 1955;  
8:49 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### [ 7 CFR Parts 904, 934, 996, 999 ]

[Docket Nos. AO-14-A23; AO-83-A19; AO-203-A5; AO-204-A5]

#### HANDLING OF MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

#### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS, AMENDING ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted in Northampton, Massachusetts, on April 18 to 20, in Worcester, Massachusetts, on April 21 to 23, in Waltham, Massachusetts, on April 25 to 27, and in Boston, Massachusetts, on April 28 and 29, and on May 3 to 5, 1955 pursuant to a notice thereof which was issued on March 18, 1955 (20 F. R. 1699) upon proposed marketing agreements and proposed amendments to the orders, now in effect, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 29, 1955 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 3, 1955 (20 F. R. 5520; Doc. 55-6254)

*Rulings.* Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings,

conclusions, and actions recommended by the Acting Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

*Issues considered.* The material issues considered at the hearing were concerned with the following:

1. Extension of the limits of the Greater Boston marketing area.
2. Extension of the limits of the Springfield marketing area.
3. Extension of the limits of the Worcester marketing area.
4. The elimination of the floor price feature of the Class II pricing formula.
5. Extension of the Boston zone differentials to reflect additional mileage distances.
6. The basis of zoning plants and the level of zone differentials.
7. Assignment of local Class I sales from country plants under the Boston order.
8. A storage cream credit under the Boston order.
9. The classification of "half and half."
10. A requirement that producers be provided by handlers with daily weight slips and the results of composite butterfat tests.
11. Uniform marketing service provisions under all four orders.
12. Pooling qualifications under the secondary market orders.
13. Revision of secondary market butterfat differential.
14. Diversion privilege under the secondary market orders.
15. Revision of the outside milk definition under the Boston Merrimack Valley and Worcester orders.
16. Extension of the nearby differential area under the Worcester order.
17. Reduction in the Worcester country plant shipping requirements.

18. The dealer definition under the Merrimack Valley order.

19. Proposal to give receiving plant status under the Worcester order to the operator of a farm tank pickup truck.

20. Revision of the exempt milk definition under the Worcester order.

21. Conforming and nonsubstantive changes under all four orders.

*Findings and conclusions*—1. *Boston area extension.* The limits of the Greater Boston marketing area should be extended to include the towns of Framingham, Natick, Wayland and Weston. The marketing area as presently constituted includes 38 contiguous Massachusetts cities and towns comprising a substantial portion of the Greater Boston metropolitan area. A substantial cooperative association of producers proposed that the area be extended to include the seven additional towns of Framingham, Natick, Wayland, Weston, Sudbury, Concord, and Lincoln. Another proposal would extend the area to include all of that portion of Middlesex County not presently under Federal regulation.

The four towns herein recommended for inclusion in the marketing area are a part of Boston's suburban area and lie directly west of and are contiguous to the present marketing area. The towns of Framingham and Natick, in particular, are experiencing a very dynamic transition to an intensive residential and industrial area. The proximity of this four-town area to Boston and its location with regard to modern transportation facilities have played an important role in its rapid development and there is every indication that the rapid urbanization will continue.

The four-town area herein under consideration is served by approximately 30 handlers, 14 of which are fully regulated Boston or Worcester handlers. While statistics on relative volumes, numbers of routes and similar quantitative data are lacking there is no question but that regulated Boston handlers are the primary handlers serving this area and that such distribution is substantial.

The Hood Company, one of the principal Boston handlers, serves most of this four-town area from its Natick plant, a loading station which is supplied from its East Bridgewater plant, primarily with unregulated milk. Under usual circumstances it would be expected that location with respect to Boston would direct that this area be served from Hood's Boston city plant. Testimony of responsible witnesses, however, indicates that the unregulated East Bridgewater plant is used in order to meet unregulated competition in the area.

A substantial portion of the annual volume of milk handled at the East Bridgewater plant is Boston pool milk which is fully priced under the order. However, the record is clear that much of this volume is flavored milk and milk in special packages disposed of throughout the much larger area served by the East Bridgewater plant. Solely as a matter of processing economy it is handled in the Boston city plant and then transferred to Bridgewater for distribution. In addition, Boston pool milk is requisitioned whenever local producer milk and available unregulated supplies are less than minimum needs. Hence, while total receipts of regulated milk at the Bridgewater plant may be of such volume as to possibly equal, or even exceed, Hood's fluid distribution in the recommended area of extension, much of this milk is special packaged milk and flavored milk disposed of outside of this area. It is obvious that the company enjoys an advantage through its ability to use unregulated milk, purchased at or about the Boston blend to supply much of its regular fluid requirements for this four-town area, in competition with handlers who are fully regulated under the Boston order.

The record shows that in addition to the Hood Company other substantial dealers not under Federal regulation who distribute in this area obtain much of their fluid requirements from unregulated country plants in Vermont and New Hampshire. In this respect their advantage over regulated Boston handlers distributing in the area is similar to that of the Hood Company.

The town of Sudbury, which is adjacent to and directly west of Wayland and north of Framingham, is substantially rural in character. There is little indication here of the intensive urbanization presently taking place in the adjacent towns. Further, there is no indication that the inclusion of Sudbury would bring under regulation a single additional handler.

While the towns of Concord and Lincoln are served by both local dealers and regulated handlers there is no indication of unstable market conditions. The record fails to substantiate any significant flow of unregulated milk into these towns. Unlike the situation in towns herein recommended for inclusion, all Boston handlers, including the Hood Company, serve these towns from their regulated plants. The town of Lincoln, like Sudbury, is predominantly rural in character and the inclusion of Concord would bring under regulation certain

dealers who do the bulk of their business beyond the proposed area of extension.

The record indicates that the primary consideration for the proposal for the inclusion of all of Middlesex County was a concept of marketing area delineation on the basis of county lines. There was no showing that this additional area was generally served by Boston handlers or, if so, that they experience any difficulties in competing with local dealers for fluid sales. To the contrary, the record shows that much of this area, not now under regulation, is predominantly rural in character and that it is generally served by small local dealers.

Producers delivering milk to local dealers opposed any extension of the marketing area, contending that their participation in the Boston pool would result in substantial financial loss to them. There is no question but that the producers supplying milk to local dealers serving the area herein recommended for inclusion have had a preferential market for their milk. These producers have generally received a straight Class I price for all of their milk. This has been possible because local production is adequate to supply only a small part of the total fluid milk needs of the area. Local dealers obtain a substantial part of their total fluid requirements from unregulated upcountry plants in New Hampshire and Vermont or from the Boston pool. While the record is not clear in regard to the manner in which this milk reaches the local dealers' plants or the cost of such milk it is significant that the largest handler serving the area has used unregulated milk, purchased at or about the Boston blended price to meet competition in the area.

The additional towns herein recommended for inclusion are a part of the natural area of distribution for Boston handlers who presently do a very substantial business there. Local production is insufficient to supply these towns which therefore must look to the Boston pool for an assured long-run milk supply. All producers having a bona fide association with the fluid market should share equitably in the proceeds from sales in the market. The present pooling and pricing scheme under the Boston order will promote this principle. The pool plant provisions of the Boston order should be applied without prejudice to those dealers in the four additional towns which this amendment will bring under regulation, so that their plants will be eligible for pooling in the 1956 flush season if they continuously meet all of the pooling requirements from the effective date of this amendment.

The military installation of Fort Devens, in the town of Ayer, should not be made a part of either the Boston or the Worcester marketing areas. The inclusion of this installation as a part of the marketing area was separately proposed by different proponents as an addition (1) to the Worcester marketing area and (2) to the Boston marketing area.

Proponents indicate that the inclusion of Fort Devens as a part of a Federal marketing area will return to Boston handlers the Class I sales there which they once held but which have since

been lost to unregulated competition. The record tends to support the position that regulated handlers have held the contract infrequently in recent years, and not at all in the past year and a half. Such handlers have not continuously and exclusively supplied Fort Devens from pool sources over any extended period in the past. The bulk of the business at Fort Devens is awarded on a contract bid basis and while regulated Boston handlers have held the contract from time to time, such intermittent sales to this noncontiguous area cannot be held as binding it to the Boston marketing area. While producer proponents contend that Boston is the closest adequate source of supply for this installation, the fact remains that it is, and has been, supplied with milk from other sources over an extended period. Since Fort Devens is a noncontiguous area and neither it nor the town of Ayer is dependent on regulated handlers for their fluid needs it would be improper to establish an artificial association which would assure producers delivering to regulated handlers exclusive rights to the Class I sale.

A substantial handler operating in the additional territory herein recommended to be added to the Boston marketing area contended that any extension of the area would require re-examination of the supply-demand feature of the Class I formula. To the extent that Boston regulated handlers presently serve the area from their Boston city plants their Class I sales and producer supplies are presently reflected in the factors. While the evidence indicates a somewhat different production pattern for Massachusetts dairy farmers delivering to local dealers in the area of extension than is true for the Boston market as presently defined, the milk of these dairy farmers is only a small part of the total fluid requirements of this area. The relationships used as a standard in the present Boston area appear to be equally applicable to the area of extension.

**2. Springfield area extension.** No extension of the Springfield marketing area should be made at this time. The present Springfield marketing area includes the City of Springfield and 12 surrounding Massachusetts cities and towns. A large cooperative association representing the majority of producers presently supplying the Springfield market proposed that the area be extended to include all of the cities and towns in Hampden, Hampshire and Franklin Counties, Massachusetts.

Proponents base their proposal on the argument that the milkshed for the proposed area of extension is the same as for the present Springfield marketing area and that the Springfield market is called upon to absorb producers dropped in the proposed area of extension without benefit of any of the Class I sales. While the record tends to support the fact that Springfield handlers do a significant business in the towns immediately adjacent to the present marketing area boundaries there is no indication that they experience any difficulty in competing with State regulated handlers in this area. Further, there is no evidence that any substantial volumes of

unregulated milk are being disposed of in this adjacent territory.

The situation in the Greenfield area is somewhat different. There is no indication that Springfield handlers do a significant business here. To the contrary, the record shows that, except in very recent months when two Springfield handlers attempted to promote the sale of milk in multi-quart containers, no Springfield handler has had any Class I sales in the Greenfield area or the outlying towns served by Greenfield dealers. While considerable volumes of out-of-State unpriced milk are used by certain dealers it appears that the volume of such milk disposed of in the Greenfield area has substantially decreased during the past year. While it seems very likely that this trend has developed in an effort to stem the extension of Federal regulation, it must be concluded that under present circumstances there is insufficient justification to recommend any extension at this time.

The proposal to extend the Springfield marketing area was not supported by any regulated Springfield handlers except the cooperative association and there is no indication in the record that these handlers are at any serious economic disadvantage in competing with local dealers.

**3. Worcester area extension.** No extension of the Worcester marketing area should be made on the basis of this hearing record.

The present marketing area includes the City of Worcester and 12 surrounding towns. A cooperative association representing the majority of producers in the market proposed that the area be extended to include all of Worcester County and the town of Ayer in adjoining Middlesex County. In the presentation of their case proponents called particular attention to the Tri-City area of Leominster, Fitchburg, and Gardner, and to that part of Worcester County lying south of the present area and extending to the Connecticut line.

While it is alleged that Worcester handlers do a substantial business in the Tri-City area there is little evidence on the record to support these allegations. Hillcrest Dairy, the sole proprietary handler who supported the proposal to include this Tri-City area, presented figures to show a substantial loss of business to unregulated competition. However, it appears that much of the business Hillcrest lost was business temporarily obtained through the advantage of early installation of a paper machine, and later lost as local dealers installed their own machines. While there seems little doubt but that a substantial volume of unregulated and unpriced milk is disposed of in this area for fluid purposes, local dealers appear able to meet such competition and still pay local producers full State class prices for all of their milk. There is insufficient indication of disorderly marketing or that the supply of milk for the market is jeopardized at this time.

Conditions in the southern part of Worcester County are substantially different than in the Tri-City area. Deary Brothers, Inc., the largest handler of un-

regulated milk operates out of Dudley and does its primary business in the towns of Charlton, Oxford, Southbridge, Dudley and Webster as well as in parts of Connecticut and Rhode Island. While Deary has a small group of producers in Massachusetts, Connecticut and Rhode Island whose milk is received at the Dudley plant and is paid for at not less than the Massachusetts State Milk Control Commission Class I price, the bulk of the supply is received from producers at the affiliated Lyndonville, Vermont, plant and producers there are paid at roughly the Boston 21st zone blend.

Deary testified that all milk which moves from Lyndonville to Dudley is accounted for to the Lyndonville corporation at the State order Class I price. In this connection, the division of monies between the Lyndonville and Dudley corporations may be merely a matter of bookkeeping. Although Deary evidently enjoys a substantial advantage in cost of milk over regulated Worcester handlers and/or local dealers buying Massachusetts milk direct from producers, the record does not indicate that regulated Worcester handlers generally serve the area in which Deary operates, or in the alternative, that market instability now exists therein to a degree which might otherwise indicate the need for Federal regulation thereof.

The towns in the southeastern part of Worcester County which generally fall in State Milk Control area 9B are apparently served primarily by regulated Worcester handlers and by local producer dealers. Here also there is no showing that Worcester handlers are at any basic disadvantage in competing for Class I sales. The town of Northbridge, formerly a part of the Worcester marketing area, is included in this group of towns. Lacking evidence to the contrary it must be presumed that the close interrelationships which have existed among the numerous small handlers in Northbridge and the immediately adjacent towns are typical of the area.

Lack of any clear indication that Worcester handlers generally serve the additional territory covered by the proposal, or if they do, that they are at any serious economic disadvantage in competing with local dealers is compelling in the denial of any extension of the Worcester marketing area at this time. However, if at a later date it can be more conclusively shown that unpriced milk is contributing to unstable marketing conditions or that Worcester handlers are at a serious disadvantage in competing for Class I sales, it may be desirable to reconsider the question of area extension in light of the then current conditions in the market.

Producer proponents excepted to the recommended decision and requested that a decision in the matter of Worcester area extension to include the towns of Charlton, Oxford, Southbridge, Dudley and Webster be deferred pending a reopening of the hearing for the presentation of further evidence. A similar request was made in connection with consideration of the extension of the Boston or Worcester marketing areas to include the military establishment of Fort Devens. There appears to be no

reason for withholding a decision on these matters on the basis of this record. If further evidence can be developed at a later date the question of area extension might be made a matter of consideration for a new hearing.

**4. The elimination of the floor price feature of the Class II pricing formula.** No change should be made in the Class II pricing formula at this time. The order presently provides that whenever the Boston weighted cream price is not published or the average price for milk for manufacturing purposes f. o. b. plants in the United States, as reported to the U. S. Department of Agriculture, adjusted to a 3.7 percent butterfat basis and subject to a specified seasonal adjustment, exceeds the Class II price based on the Boston weighted average cream price, such average f. o. b. plant price shall be the effective Class II price.

A substantial handler in the market has proposed that the average f. o. b. manufacturing plant price be used only when the weighted average cream price is not reported. Proponent spokesmen contend that the Class II pricing committee originally recommended the weighted average cream price as the proper measure of the fat value for Boston and that this, in combination with the skim value and the monthly allowances presently set forth in the order, is a reasonable basis for pricing surplus milk. It is further suggested that any pricing which tends to reduce handlers' margins makes the handling of Class II milk a gamble and handlers have no opportunity to recoup any losses.

These are substantially the same arguments advanced in exceptions to the administrator's decision which preceded the adoption of the present floor price feature. Proponents concede that the use of the adjusted U. S. manufacturing milk price is fitting when the Boston cream price is not published. They further concede that extreme caution should be taken lest the Boston cream price be published on the basis of too small a volume or too few buyers or sellers. Obviously, if the publication of the cream price is omitted more frequently the use of an alternative would be increased. Contrary to the position of proponents, the element of uncertainty concerning the value of milk used for other than Class I purposes is substantially reduced by the use of a price reported for the entire country and representing average prices paid by a very large number of manufacturing plants. If any uncertainty remains under this pricing plan it is in the determination of how much more milk for fluid cream and ice cream use is worth in the New England region than milk used nationally in the manufacture of all dairy products. Under the present scheme of pricing, the Boston weighted average cream price has been used as a determinant of the added value.

Proponents have proposed discontinuation of the floor price feature apparently in fear that at some future date a general strengthening of manufacturing milk values may carry the average U. S. manufacturing milk price above the price computed on the basis of the Boston weighted average cream price over an



extended period. Producers in New England are producing milk for a fluid milk market and in view of their location relative to the larger eastern population centers it is difficult to foresee any circumstance under which it should be necessary to price milk used primarily for fluid cream and ice cream at a price less than the average paying price of milk for manufacturing purposes throughout the country. Accordingly, discontinuation of the use of the U. S. manufacturing milk price as a floor price is denied.

5. *Extension of the zone differential schedule under the Boston order* The Class I zone price differential schedule under the Boston order should be extended through the 45th zone. The order presently sets forth differentials through the 40th zone and milk received at plants located beyond this point is priced at the 40th zone price. A substantial handler with a country plant located at Presque Isle, Maine, in the 43rd zone, proposed that the differential schedule be extended to cover additional mileages.

The proposal to extend the zone differential schedule has been a matter of consideration at a previous Boston amendment hearing. At the time of that hearing no Boston pool plant was located beyond the 36th zone and there was no indication that handlers actually intended to bring plants into the pool from beyond this point. In recent years there has been a gradual increase in the proportionate volume of milk in the Boston pool originating in the State of Maine. The Hood Company has now established a pool plant at Presque Isle and under existing conditions it is not unlikely that additional Maine plants will be placed in the Boston pool from time to time. The scheme of pricing set forth under the Boston order recognizes the principle that milk similarly used and located should be similarly priced. Accordingly, milk originating nearer the market commands a price higher than milk more distant from the market to the extent of the difference in costs of transporting such milk to the market.

Under the existing assignment provisions of the order, Class I milk is allocated in sequence starting with those plants nearest the market and under this principle no milk from beyond the 25th zone is, under usual circumstance allocated to Class I insofar as pool handlers operating more than one pool plant are concerned. Hence, extension of the Class I zone differential schedule will ordinarily have no effect on the price handlers are required to pay for Class I milk disposed of in the marketing area. In light of the recommendation herein-after made for the assignment to country plants of Class I sales made locally from such plants it will, however, affect the price charged multiple-plant handlers for milk sold locally from country plants. Because the Class I zone differentials apply to the blended price, the extension of this schedule will affect, also, the distribution of returns to producers.

The pricing scheme set forth in the order is intended to assure an adequate, but not excessive, supply of milk for the

fluid market. The supply-demand adjustment operates to reduce the price whenever the supply is excessive or to increase the price whenever supplies become short. As previously stated, milk nearest the fluid market, because of its location, should command a higher price than milk less advantageously located. Unless the pricing scheme reflects this principle far-out producers are subsidized by other producers in the market and the production pattern of the market and the effectiveness of the pricing formula itself are both adversely affected.

It is unlikely that milk, under normal circumstances, will be attracted to the Boston market from beyond the 450-mile point unless the market is seriously short of milk. Under such conditions the market administrator may declare that an emergency exists and milk may be moved from beyond the milkshed boundaries with no payments to the pool. There is no economic reason why the zone differential schedule should not be so constructed as to reflect differences in transportation costs at any point from which milk might be received. In this connection, however, there is insufficient evidence in this record to provide the basis of computing the proper differentials beyond the 450-mile point herein recommended.

No change should be made at this time in the Class II zone differential schedule presently contained in the order. The Secretary's decision of April 1952, in denying a similar proposal, pointed out that "since milk at distant plants would obviously be classified as Class II, it is particularly important to consider whether the resultant price at such points after allowing a location adjustment would be less than the prevailing level of pricing in other regions for milk used in similar products." Proponents failed to explore this problem and gave no indication of need for extending the Class II differential schedule.

6. *The basis of zoning plants and the level of zone differentials.* The evidence in this hearing strongly suggests the need for a revision in the procedure for ascertaining mileage distances in the zoning of country plants and for establishing zone differentials. Zone differentials should be generally related to differences in transportation costs. Since the record is not sufficiently complete in this regard it is recommended that no changes should be made at this time on the basis of this record and that the hearing be reopened for additional testimony within a period of approximately six months. This will permit the industry opportunity to develop further information with respect to variations in transportation cost and a method of determining highway distances from various country plants to Boston.

Zoning of country plants into 10-mile zones is presently determined on the basis of the shortest rail mileage from the railroad shipping point of the plant to Boston. Basic Class I, Class II, and blended prices are established for plants in the 21st zone. The prices applicable for the other zones are arrived at by adding or subtracting the respective zone differentials to the basic price for the 21st zone. The amount of the differen-

tial for any zone is based on the differences between the present rail freight rate for the movement of milk in tank cars from that zone and from the basic 21st zone. These rail rates are published in New England Joint Tariff M. No. 7, and are approved by the Interstate Commerce Commission. In the case of city plants, the zone differential also gives effect to an additional country plant allowance generally considered to be 13 cents, but not specifically identified in the order.

Cooperative associations representing the majority of producers in the market proposed that country plants be assigned to 10-mile zones on the basis of the shorter of highway or rail distance to Boston. They presented extensive evidence showing resulting distances and zones for all plants, giving effect to highway distances over paved, first-class, all-weather roads, as shown by maps contained in Mileage Guide No. 6, issued by Household Goods Carriers' Bureau.

The proponents contend that the present basis of zoning country plants involves use of rail mileages determined, in some cases, by roundabout routes and in others over abandoned railroad lines, that other abandonments are prospective, and that, in any event, since most of the milk that producers deliver to country plants is not actually shipped by rail it is appropriate to provide the alternative of highway mileage in zoning the plants. It is pointed out that the relative volume of milk moving to market by tank truck has increased substantially since the present scheme of zoning was adopted. Over the same period considerable mileage of track has been abandoned. Although railroads have not revised their rates from various locations to reflect the longer distances to market over existing rail lines, producers have no assurance that such revised rates may not be filed with the Interstate Commerce Commission at any time. The effect of such action upon the producers at such locations, even if none of their milk was shipped by rail, would be to decrease their blended prices by the amount of the railroads' rate increases.

Proponents further contend that the freight rates presently on file are erratic, with the result that plants located close together, but in adjacent zones may in some cases have the same differential, and in others may vary as much as 4.0 cents. As an example, testimony showed that the two off-rail country plants at Starksboro and Hinesburg, Vermont, which have never shipped by rail, and are located within 8 miles of one another on a first class road, are presently zoned two zones apart, with a resulting difference in their Class I prices to the handlers and the blended prices to the producers of 4.5 cents per hundredweight. Proponents contend that this condition and others similar to it in other locations do not reflect comparative costs, create competitive problems for handlers, and inequities among producers. They proposed that the average differential per zone now in effect for the 24 zones between zone 12 and zone 36 be used in progressing in either direction from the basic prices established for zone 21.



They presented extensive testimony together with a detailed analysis of the results of the adoption of their proposal on both handlers' costs and producer returns.

Notwithstanding, considerable weight must be accorded arguments by opposing handlers that the proposals to assign zone differentials on the basis of one-cent per zone difference and to use highway mileages for zoning would increase total costs to handlers without any adequate measurement of actual transportation costs and differences in such costs. While it is recognized that there is no practical system of zoning Class I and blended prices that will exactly reflect to each handler his actual costs for each shipment of milk, more accurate and complete information on this point is needed before appropriate differentials may be established.

Both producers and handlers have a substantial interest in this matter, since Class I and blended prices at virtually all locations in the market would be changed somewhat and a new pattern of price relationships would emerge, with implications of relative permanency. Under these circumstances, it appears highly desirable that all segments of the industry cooperate in an effort to develop the best possible procedure for determining mileage distances in the zoning of country plants and to reflect generally in the zone differentials the actual differences in costs of transportation from the various locations. It is considered that six months should be a sufficient period for such cooperative effort by the industry before reopening the hearing for further testimony on this issue.

**7. Assignment of local Class I sales from country plants under the Boston order** The present assignment provisions of the Boston order should be revised to provide for the assignment of local Class I sales made from a handler's country plant, for consumption in the States of Maine, New Hampshire and Vermont, to receipts of producer milk at such plant. Under the present order provisions all of a handler's Class I sales are assigned to his plants in sequence in accordance with their nearness to Boston. Hence, a handler may have substantial sales from his plant located in the 36th zone, for example, and yet pay for such milk at the 24th zone price. In the same manner it is possible that a handler may have milk which he disposed of from a country plant as local Class I sales charged at two different prices. A similar proposal for the Springfield market was considered at the hearing held in July 1951 and was subsequently adopted. The reasoning which led to the adoption of this similar provision in the Springfield order is equally applicable in the case of Boston. The assignment of local Class I sales to the country plant from whence they originate maintains the relationship between milk prices at the various plant locations established by the order since the differences in prices are based on the differential in cost of movement to Boston.

**8. Storage cream credit under the Boston order** No allowance for storage cream should be incorporated into the

Boston order at this time. Under the present pricing provisions milk disposed of in butter and cheese during the months of April through July is credited with a butter-cheese adjustment. A substantial handler in the market proposed that during such months milk disposed of in storage cream also be credited with an adjustment equal to one-half of the butter-cheese adjustment. It was contended that butter and cheese represent alternative uses of butterfat and the establishment of the proposed storage cream allowance would encourage the storage of cream by partially compensating handlers for the extra cost and risk of storing and would tend to enhance producer returns.

Producers opposed any allowance for storage cream, pointing out that under the present Class II pricing milk is priced at the level of actual butterfat values and accordingly the butter-cheese adjustment is very small and the establishment of a storage cream credit would be trivial. They further suggest that the encouragement of additional cream storage during the flush production months might well be reflected in reduced demands for outside butterfat in subsequent months with the result that the cream price would be depressed and producer prices reduced accordingly.

On the basis of the record it is concluded that those handlers who would primarily benefit by a storage cream credit are already substantial storers of cream. Since present Class II values under the order reflect competitive manufacturing values it is difficult to foresee why further price concessions should be necessary to encourage handlers to take full advantage of the opportunity to store cream during the flush when substantial quantities of butterfat may be available locally. Under usual circumstances Boston is a deficit cream market, even in the flush production months. It is unnecessary to provide a lower value for storage cream when local supplies are insufficient to meet current needs. It is doubtful that a storage cream allowance would have any substantial effect on the actual volume of cream moving to storage but rather would merely permit handlers presently following the practice of storing cream to obtain their storage cream requirements at a lesser price. On the other hand, if the establishment of a storage cream allowance should channel cream into storage and reduce the volume disposed of in butter and cheese, the market demand for outside cream in subsequent months would certainly be reduced with the result that producers might well receive a lesser annual return than under the present pricing.

**9. The classification of "half and half"** The provisions of the Boston and secondary market orders should be revised to recognize the product "half and half" as a fluid milk product containing less than 16 percent but not less than 10 percent butterfat. The order should provide for the classification of "half and half" on the assumption that 50 percent of it, by weight, is milk and the other 50 percent is cream.

Under present conditions the product herein defined as "half and half" cannot

be sold legally in the State of Massachusetts. However, a bill which would permit its sale has been introduced in the legislature and amendment of the orders at this time would prepare them in the event of the bill being enacted into law.

Many restaurants and similar outlets now resort to making their own "half and half" using cream and milk purchased separately from handlers in the market. Handlers contend that classification and pricing of "half and half" as Class I would deter the sale of the product and that consumers would continue this practice of making their own mixtures. They suggest that, unless the product is reasonably priced under the order, cream brokers and other presently unregulated dealers will take over this business and that administrative problems in the application of the order would be greatly increased.

Proponents indicate they expect that "half and half" will be offered for sale in consumer packages directly to consumers on retail routes and in stores and also in bulk or packaged form to hotels and restaurants, and then served as a mixture for coffee, cereals, berries and similar uses. The product will be sold in competition with other fluid milk products including milk and cream as such, and possibly evaporated and condensed milk and skim milk.

In the absence of any statute which would permit the sale of "half and half" in the State of Massachusetts it is not clear what health regulations would apply with respect to the manufacture and sale of such product. It has been the general position of the local health departments, however, that unsterilized fluid milk products must come from approved sources of supply. It is presumed that the same position will be taken in the case of "half and half" and it is therefore concluded that the milk portion of this product should be classified as Class I milk in the same manner as other fluid milk products which are required to be made from approved milk supplies. Cream is not required to come from locally approved sources and, accordingly, the cream portion of "half and half" should be classified as Class II milk.

The classification of "half and half" as 50 percent Class I milk and 50 percent Class II milk by weight will yield about the same return to producers as fresh cream and milk or skim milk when disposed of separately.

**10. Requirement for daily weight slips and notification of composite butterfat tests.** The Boston and secondary market orders should be revised to require handlers to furnish producers with daily weight slips within three days of day of delivery, and to send written notice to producers of the result of composite butterfat tests within seven days of the end of the sampling period.

The respective orders presently set forth no requirement for furnishing daily weight slips or the results of composite tests. They do provide, however, that in final settlement to producers each producer shall be furnished a supporting statement showing, among other things, the total deliveries of milk for

the period and the average butterfat test thereof. Several cooperative associations requested that daily weight slips be required and that producers be given prompt advisement of the results of composite tests. They contend that notification at the time of final settlement gives a producer a poor basis for adequately checking the accuracy of such figures and that in cases where errors are suspected the samples have already been disposed of and the producer has no basis for requesting a recheck.

Certain handlers opposed the proposal for supplying daily weight slips and the results of composite tests on the grounds that this would substantially increase their cost of receiving milk. They argue that the present information received at time of settlement gives the producer a basis of checking weights and tests.

While State laws in Massachusetts and New Hampshire require the furnishing of daily weight slips, and New York and Vermont laws require it on request, the practice is not uniformly followed.

The record indicates that while certain handlers in the markets presently furnish daily weight slips, others do not. Under usual circumstances the weight slips can be promptly returned to the producer through the hauler and at little or no additional expense to the handler. In this connection, except in the case where the hauler is an employee of the handler, the handler should be considered as having discharged his responsibility when the weight slips are turned over to the hauler. Receipt of daily weight slips should be a substantial aid to the producer in keeping check on actual volumes delivered and should minimize errors and controversy over weights, thus facilitating the administration of the order. The three-day requirement should be adequate even in cases where the handler might desire to mail rather than to rely on the hauler to deliver the slips to producers.

Unless a producer is advised promptly of the results of his composite tests it is difficult for him to verify his butterfat tests. The record indicated that handlers generally follow the practice of having two complete sets of sample bottles. Under usual circumstances samples are retained for several days after testing and are dumped just prior to the end of the succeeding sample period. Testing is generally done promptly following the close of the sampling period.

As in the case of weight slips, State laws vary considerably in requirements for the notification of producers, time of making tests, and time for holding composites. While producer proponents feel that 5 days should be an adequate time for a handler to make his composite tests and to notify producers the record tends to support a somewhat longer time. Accordingly, it is concluded that a 7-day limit should be provided. This should give producers sufficient time in which to request a check test before the sample would normally be disposed of and should create no hardship for the handler.

It was proposed at the hearing that producers be notified of the results of their test only when such test varies as much as two points from the previous

period. It is concluded that a more effective program will be maintained when the producer receives positive notification each period of the actual test of milk delivered.

**11. Uniform market service provisions.** No change should be made in the marketing service program under the secondary market orders and no provision requiring marketing service to producers who are not members of a cooperative association should be incorporated into the Boston order at this time. At the present time the secondary market orders provide for regular marketing service programs financed by specified deductions from producers. Under the Boston order a limited check testing program and market information program is carried on with administrative funds. Certain cooperative associations proposed that either the marketing service program under the secondary market orders be dropped or that such a program be initiated for nonmember producers under the Boston order.

The act is specific with reference to a marketing service deduction, the language being permissive, rather than mandatory. The lack of a comprehensive program in Boston is not a reasonable argument for discontinuation of the secondary market programs. The effectiveness of the secondary market programs is, however, a strong endorsement for a program in the Boston market. As was previously indicated in the Secretary's decision of March 8, 1954, on issues considered at a previous hearing there appears to be a real need for a comprehensive marketing service program under the Boston order. However, the establishment of such a program in the Boston market is a substantial undertaking and should be initiated only after careful planning and study to determine the type of program which would be desirable, and the extent of personnel and funds which would be necessary to carry it out. The record evidence is insufficient to permit any definite conclusion on these matters and it is concluded that no action should be taken on this issue on the basis of this record.

**12. Pooling qualifications under the secondary market orders.** The proposal to amend the secondary market orders to permit a plant to qualify for pooling in the March-September period, without having been pooled during the prior October-February period, if it met the secondary market requirements during such October-February period, except that it was a pool plant under the Boston order, should be adopted. It is not unusual, particularly in the case of Worcester and Merrimack Valley, for a handler to do business both in the Boston and the secondary market area. The secondary market orders, as constructed, recognize Boston as the primary market and a plant meeting pooling requirements under both of two orders (including Boston) becomes a Boston pool plant. Hence, a city plant doing 80 percent of its Class I business in the Worcester area, for example, and only 10 percent in the Boston area, becomes a Boston pool plant. If during any month of the July-March period it failed to dispose of 10 percent of its Class I sales in the Boston

area it would automatically become a nonpool plant under the Boston order in the following April-June period. At the same time, even though doing 80 percent of its business in the Worcester area it would also be a nonpool plant under this order during March through September because of its Boston affiliation during the October-February period.

Under the above circumstances a plant would have been a bona fide pool plant under the Worcester order throughout the year if it had not met the minimum Boston requirements. The orders should not be so constructed as to discourage competition for consumer sales. Adoption of the proposal will permit greater flexibility of handler operations between markets while at the same time preserving continued pool status as long as minimum pooling requirements are met.

**13. Revision of secondary market butterfat differentials.** The method for computing the producer butterfat differential under the secondary market orders should be revised to correspond with the differential computation under the Boston order. Under the present order provisions, in any month in which no weighted average cream price is reported, the procedure for the computation of the butterfat differential is identical in all markets. When the cream price is reported the Boston order requires the subtraction of 52.5 cents from such price, a division by 33 and then by 10. The subtraction of 52.5 cents is equivalent to 1.59 cents per pound of fat. Under the secondary market orders the cream price is first divided by 33, 1.5 cents is then subtracted and the result divided by 10.

Prior to January 1, 1949, the computation of the Boston butterfat differential was generally similar to that presently set forth in the secondary market orders. This procedure was changed to reflect more nearly current freight rates applicable to movements of cream from the 21st zone. The resulting butterfat differential under the two procedures is identical in most months but occasionally the difference in procedure causes the secondary market differential to be one-tenth of a cent higher than Boston. Actually, in only 4 out of the 39 months immediately subsequent to December 1951 was there a difference. The adoption of a uniform procedure will have virtually no effect on producer returns, will be of substantial convenience to handlers, and will facilitate the audit program of the market administrator. It is therefore concluded that the Boston differential computation should be adopted in each of the three secondary markets.

**14. Diversion privileges in the secondary markets.** The proposal to amend the definition of "dairy farmer for other markets," under the secondary market orders, to eliminate the three-day tolerance on receipts at a nonpool plant, should be adopted. The three-day tolerance, as originally contained in the Boston and secondary market orders, was intended to protect both producers and handlers in the case of accidental or emergency situations which might result in the receipt of producer milk as nonpool milk. The orders as now con-

structed permit the free movement of milk from farm to nonpool plant on a diversion basis without loss of producer status and there is no further need for the tolerance to protect producer status. The comparable provision was deleted from the Boston order in July 1952 and now should be deleted from the secondary market orders.

The language of the producer definition under the secondary market orders should not be changed to permit indefinite diversions. Diversions are presently permitted on a limited basis; however, it is specified that the milk ordinarily must be delivered to a handler's pool plant. In the case of extended diversions the problem becomes one of determining when milk shall be considered as being "ordinarily delivered" to a handler's plant. The market administrator has determined this to mean more than half of the time. A cooperative association representing the majority of producers under the secondary market orders proposed that the order language be made permissive to allow indefinite diversion to the city plant of a cooperative association, if a handler so desired.

In support of the proposal a spokesman for the cooperative association pointed out that the association handles the bulk of the surplus in the secondary markets. He indicated that the effect on the pool is the same whether the milk is diverted to the association's plant or a producer is dropped by the handler and subsequently picked up by the association. In either case the milk ends up in the association's plant and is accounted for according to use. The handler who actually receives the milk at his fluid milk plant is held responsible for weighing, testing, and accounting for such milk and paying the producers. If a handler has no outlet for milk and accordingly diverts it to the association over an extended period of time it would appear desirable that the association which actually received the milk should be held the responsible handler.

**15. Revision of the outside milk definition.** The proposal to exempt from the definition of outside milk in the Worcester and Merrimack Valley orders any Class I milk which is disposed of to consumers in the marketing area covered by the other order, without its intermediate movement to another plant, should be adopted. Also, the outside milk definition of the Boston order should be revised to permit credit for direct sales of Class I milk by Merrimack Valley handlers to consumers in the Boston marketing area to accrue to the Merrimack Valley pool.

The several New England orders operating under marketwide pooling arrangements are generally so constructed as to permit the free movement of milk between markets. Handlers operating in one market are free to dispose of milk to handlers operating in any one of the other markets. In addition, Boston handlers are free to dispose of milk directly to consumers in the Merrimack Valley and Worcester markets. Worcester handlers may make similar sales in either Boston or Springfield, and in like manner, Springfield handlers may sell in the Worcester market. In each case

producers in the originating market receive credit for such direct consumer sales.

If a handler in one of these markets extends his routes and makes sales directly to consumers in another nearby Federally regulated market such sales should be considered as a part of the fluid milk sales for which producers delivering to such handler receive the Class I price. While it is unlikely with the present marketing area boundaries, that Worcester handlers would run routes into the Merrimack Valley area, and vice versa, the orders should be permissive so that handlers may do so if they so desire. While no proposal was made at this hearing it would seem desirable that at some future date consideration should also be given to changing the respective orders to permit interchange of sales to consumers between Springfield and Merrimack Valley or Boston.

The outside milk definition under the Merrimack Valley order should be further revised specifically to exclude "exempt milk." Under the present language milk received at a regulated plant from an unregulated plant now may meet the definition of both "outside milk" and "exempt milk." To resolve this conflict in line with the intent of the exempt milk provision, the market administrator has ruled that such milk which actually meets all of the exempt milk requirements shall be treated as exempt milk. The Boston, Worcester and Springfield orders are specific in this regard and it is obvious that no different treatment was intended under the Merrimack Valley order. The specific exception of exempt milk under the outside milk definition will make the four orders consistent in this regard.

**16. Extension of the Worcester nearby differential area.** The nearby differential area under the Worcester order should be extended to include the towns of Vernon, Vermont, and Hinsdale, New Hampshire. A handler in the Worcester market proposed this extension contending that he obtains a considerable part of his supply from the immediately adjacent area in Massachusetts and that the addition of these towns would permit a natural extension of his pickup routes. Under present circumstances he cannot obtain milk in these towns without payment of substantial premiums.

The two towns in question are part of the nearby differential area under the Springfield order. The nearby differential areas for Springfield and Worcester generally coincide and for competitive reasons it is desirable that producers qualifying for the differential under one order should likewise be in a position to qualify under the other. This position was supported by the cooperative association representing the majority of producers in the market.

No extension of the nearby differential areas in Rhode Island or Connecticut should be made on the basis of this record. Extensions in this direction were proposed in anticipation of possible extension of the Worcester marketing area. No extension of the marketing area is herein recommended.

**17. Reduction of Worcester country plant shipping requirements.** No reduction should be made at this time in the minimum country plant shipping requirements for pooling under the Worcester order. There is at present only one country plant in the Worcester pool and there is no indication that this plant has experienced any difficulties in meeting the established 50 percent shipping requirement. Proponents of the proposal to lower the requirement to 30 percent gave no indication of any plan to add a country plant in the Worcester pool but assert that it is illogical to maintain a different requirement than that established under both the Springfield and Merrimack Valley orders. The shipping requirements in these markets were established to permit the continued pooling of plants having long time bona fide relationship with the respective markets, and it is therefore unnecessary to reduce the Worcester requirements merely for the purpose of uniformity.

The interrelationship of pooling requirements among the New England markets does call for further study and it may be desirable that the shipping requirement in Worcester be re-examined at some later date as part of the broader problem.

**18. Revision in "dealer" definition under the Merrimack Valley order.** The proposal to revise the "dealer" definition under the Merrimack Valley order to make the operation of a plant a requirement for dealer status should be adopted. Under the present provision a peddler qualifies as a dealer, and is excluded from the consumer definition. This can and does have a direct bearing on a country plant's ability to meet the shipping requirements of the order. Class I sales directly to consumers outside the marketing area are deductible from total receipts in determining whether the shipping requirement has been met, but the proponent, Hayward Farms, which plans to operate a country plant under the order, faces considerable difficulty in meeting minimum pooling requirements since its sales to peddlers outside the marketing area cannot presently be considered as sales to consumers.

The fact that a handler disposes of bottled fluid milk by direct sale to a number of individual peddlers rather than on his own routes should be of no consequence under the order. In either situation the milk is received from producers and is processed and bottled in the plant of the receiving handler whom the market administrator holds fully responsible for accounting to the pool and payment to producers. The Boston, Springfield and Worcester orders all provide that a "dealer" must operate a plant and, accordingly, that all sales to peddlers are direct sales to consumers. There is no logical reason why a different treatment should be accorded such sales under the Merrimack Valley order.

**19. Receiving plant status for farm tank pickup truck operation under the Worcester order.** The provisions of the Worcester order should not be changed to give receiving plant status to the operator of a farm tank pickup truck. The proposal in this regard was made by a nonhandler under the order and was

unsupported by either pool handlers or by producers. The transition from can shipping to bulk farm tank operations probably will create many administrative problems; however, at this time there is no indication that serious difficulties have been encountered. In any event, it seems probable that problems developing in the Worcester market will also be prevalent in the Boston and the other secondary markets and accordingly, the possible impacts of bulk farm tank operation should be approached on a New England wide basis. Such an approach is not possible on the basis of proposals under consideration at this hearing.

20. *The application of the exempt milk definition under the Worcester order* No change should be made in the application of the exempt milk definition under the Worcester order. Under the present order provisions milk received in bulk from an unregulated plant, or from a dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned during the same month, is considered as exempt milk and is excluded from the pricing provisions of the order. A dealer operating in the territory beyond the present limits of the marketing area proposed that the order provisions be revised, in whatever means might be necessary, to permit a similar handling of milk for skim milk, butter-milk and flavored milk. The proposal was not supported by either handlers or producers, and there was no showing why such provision was needed or how the proposed change could in any way affect the operations of the proponent unless an extension of the marketing area were contemplated.

21. *Other miscellaneous changes.* Other proposals considered at the hearing and herein recommended for adoption are largely nonsubstantive in nature. They would clarify present order language and provide identical wording for similar provisions in the several orders where there is no question of intent of meaning and where administration thereof is the same. Obsolete language would be deleted and the detail of the feed price computation under the Class I price computation, which is presently carried out under a determination of equivalency, would be incorporated in the pricing provisions.

A substantial handler doing business in the Boston and three secondary markets proposed at the hearing that the market administrator be given authority to approve and accept certain deviations from the usual calendar month requirements of reporting and accounting under the respective orders. It was asserted that such latitude would result in a substantial saving and greater efficiency of operation on the part of the proponent and would give a more realistic statistical series and supply-demand adjuster for the market as a whole.

While it seems likely that the proposed change in reporting and accounting would be helpful in the compilation and application of market statistics by eliminating the variations due to difference in number of days in the several months, such change could be accomplished only

if made at one time by all handlers in the market. This, of course, would be a substantial deviation from the manner in which handlers presently keep their books and records and interested parties were not on notice that such a proposal was under consideration. Accordingly, no such change could be considered on the basis of this hearing record.

*General findings.* (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(c) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

*Order of the Secretary Directing That Referenda Be Conducted. Determination Of Representative Periods; and Designation of Agent To Conduct Such Referenda*

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that referenda be conducted among producers (as defined in the orders, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Boston, Merrimack Valley, Springfield and Worcester marketing areas) who, during the determined representative periods were engaged in the production of milk for sale in the respective marketing areas specified in the aforesaid orders, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the respective orders, amending the orders, as amended, which are a part of this decision.

In the case of Boston, the month of April 1955, and in the case of Merrimack Valley, Springfield and Worcester, the month of July 1955, is hereby determined to be the representative periods for the conduct of such referenda.

Richard D. Aplin is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177)

*Marketing agreements and orders.* Annexed hereto and made a part hereof are separate marketing agreements and orders, amending the orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield and Worcester, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the attached orders amending the orders, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 13th day of September 1955.

[SEAL]

EARL L. BUTZ,  
Acting Secretary.

*Order<sup>1</sup> Amending the Order As Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area*

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view

<sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

#### BOSTON ORDER

##### DEFINITIONS

§ 904.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Arlington.	Needham.
Bedford.	Newton.
Belmont.	Peabody.
Beverly.	Quincy.
Boston.	Reading.
Braintree.	Revere.
Brookline.	Salem.
Cambridge.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Everett.	Swampscott.
Framingham.	Wakefield.
Lexington.	Waltham.
Lynn.	Watertown.
Malden.	Wayland.
Marblehead.	Wellesley.
Medford.	Weston.
Melrose.	Weymouth.
Milton.	Winchester.
Nahant.	Winthrop.
Natick.	Woburn.

(c) "Month" means a calendar month.

(d) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(e) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of July through March, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through March.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 904.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Springfield, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk

products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 904.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.20 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(g) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(h) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

§ 904.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent



of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, emergency milk, and receipts from New York order pool plants which are assigned to Class I milk pursuant to § 904.27;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Merrimack Valley or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

(j) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

#### MARKET ADMINISTRATOR

§ 904.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person se-

lected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 904.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 904.15 *Classes of utilization*. All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 904.16 *Classification of milk and milk products utilized at regulated plants of pool handlers and buyer-handlers*. Subject to §§ 904.17 and 904.29 (a) milk and milk products received at a regulated plant of any pool handler or buyer-handler shall be classified in accordance with their utilization at such plant.

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants*. Any fluid milk product, except cream, which is moved from a regulated plant of a pool handler or a buyer-handler to any other plant shall be classified as follows:

(a) If moved to a producer-handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at that plant.

(b) If moved to a producer-handler's plant or to an unregulated plant and thence to another plant, it shall be classified by applying § 904.16 or paragraph (a) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, it shall be classified as Class I milk.

§ 904.18 *Responsibility of handlers in establishing the classification of milk*. In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 904.20 *Basic requirements for pool plant status*. Subject to the provisions of § 904.21 each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(d) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

§ 904.21 *Conditions resulting in non-pool plant status.* Each receiving plant shall be a nonpool plant under any of the following conditions:

(a) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(b) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(c) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(d) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(e) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler. However, any plant which became subject to this order as a result of the extension of the marketing area to include the towns of Framingham, Natick, Wayland and Weston shall not be a nonpool plant during the months of April through June 1956 solely because it was a nonpool plant prior to the effective date of such extension of the area.

§ 904.22 *Disposition of Class I milk in the form of milk in the marketing area.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be con-

sidered a disposition of Class I milk in the form of milk in the marketing area.

§ 904.23 *Total receipts of fluid milk products other than cream.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each handler's total receipts of fluid milk products other than cream, referred to in this section as "total receipts," shall be determined as follows:

(a) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts at any plant which fails to meet the applicable standards set forth in § 904.20 (a) and (b) or which is a nonpool plant pursuant to § 904.21 (b).

(b) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to paragraph (a) of this section plus the receipts at any other of his plants which is a pool plant in such month.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

§ 904.25 *General assignment provisions.* Except as provided in §§ 904.26 through 904.29, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(a) Receipts as to which Class II use is established shall be assigned to Class II milk.

(b) All other receipts shall be assigned to Class I milk.

§ 904.26 *Assignment of receipts of exempt milk.* All receipts of exempt milk shall be assigned to Class I milk.

§ 904.27 *Assignment of receipts from New York order pool plants.* Receipts from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I-A or I-B under the New York order shall be assigned to Class I milk.

§ 904.28 *Assignment of receipts of emergency milk.* Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.29 *Assignment of other types of receipts.* (a) Subject to the provisions

of §§ 904.47 and 904.65, all receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(b) All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) All receipts of skim milk in bulk from producer-handlers shall be assigned to Class II milk.

#### REPORTS OF HANDLERS

§ 904.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 904.25 through 904.29;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 through 904.18.

§ 904.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such in-

formation shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 904.37 *Notices to producers.* Each pool handler shall furnish each producer

from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 904.38 *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

#### MINIMUM CLASS PRICES

§ 904.40 *Class I price.* The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.43.

§ 904.41 *Class II price.* The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subject to § 904.43 (c) subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	Amount (cents)
January and February.....	67
March and April.....	73
May and June.....	85
July.....	79
August and September.....	73
October, November, and December..	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month, by the average butterfat test of such milk; and multiply by 3.7.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)
January.....	+8
February.....	+7
March.....	-10
April.....	-14
May.....	-17
June.....	-16
July.....	+3
August.....	+12
September.....	+9
October.....	+11
November.....	+12
December.....	+12

§ 904.42 *Zone price differentials.* The minimum prices determined pursuant to §§ 904.40 and 904.41 shall be subject to differentials based upon the zone location of the plant at which the milk was received from producers. For each country plant, the zone shall be determined in accordance with the railway mileage distance to Boston, Massachusetts, from the railroad shipping point for such plant. Each city plant, regardless of such railway mileage distance, shall be considered to be in the "City Plant" zone. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 904.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

	A	B	C
Zone	Distance to Boston (miles)	Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
City Plant.....	0 to 40.....	+32.0	+33.1
5.....	41 to 50.....	+14.5	+14.2
6.....	51 to 60.....	+13.5	+14.0
7.....	61 to 70.....	+13.0	+13.7
8.....	71 to 80.....	+11.5	+13.5
9.....	81 to 90.....	+11.0	+13.2
10.....	91 to 100.....	+10.5	+13.0
11.....	101 to 110.....	+10.5	+12.9
12.....	111 to 120.....	+9.0	+12.6
13.....	121 to 130.....	+9.0	+12.4
14.....	131 to 140.....	+8.0	+12.1
15.....	141 to 150.....	+7.5	+11.6
16.....	151 to 160.....	+4.0	+11.3
17.....	161 to 170.....	+4.0	+11.2
18.....	171 to 180.....	+1.5	+10.6
19.....	181 to 190.....	+1.5	+10.4
20.....	191 to 200.....	0	+10.1
21.....	201 to 210.....	None	None
22.....	211 to 220.....	-4.0	-0.6
23.....	221 to 230.....	-4.5	-0.7
24.....	231 to 240.....	-5.5	-0.9
25.....	241 to 250.....	-5.5	-0.9
26.....	251 to 260.....	-6.5	-1.2
27.....	261 to 270.....	-7.0	-1.3
28.....	271 to 280.....	-7.5	-1.5
29.....	281 to 290.....	-8.5	-1.6
30.....	291 to 300.....	-9.5	-1.8
31.....	301 to 310.....	-10.0	-2.3
32.....	311 to 320.....	-12.0	-2.4
33.....	321 to 330.....	-14.0	-2.5
34.....	331 to 340.....	-14.0	-2.8
35.....	341 to 350.....	-15.0	-2.8
36.....	351 to 360.....	-15.0	-3.0
37.....	361 to 370.....	-15.0	-3.1
38.....	371 to 380.....	-15.5	-3.3
39.....	381 to 390.....	-15.5	-3.4
40.....	391 to 400.....	-15.5	-3.5
41.....	401 to 410.....	-17.0	-3.5
42.....	411 to 420.....	-17.0	-3.5
43.....	421 to 430.....	-17.0	-3.5
44.....	431 to 440.....	-18.5	-3.5
45.....	441 and over.....	-18.5	-3.5

§ 904.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk in carlots in tank cars or for the transportation of cream in 40-quart cans in carlots of 100-199 cans, as published in New England Joint Tariff-M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 904.42 and other price factors set forth in § 904.41 and in § 904.63 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. For the purpose of this section, it shall be considered that the rail tariff applicable to city plants is zero.

(a) If such rail tariff on milk is changed, the differentials set forth in Column B of the table and the city plant differential in Column C shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201-210 miles and for the other applicable distances. Such adjustments shall be made to the nearest one-half cent per hundredweight in Column B, and to the nearest one-tenth cent per hundredweight in Column C.

(b) If such rail tariff on cream is changed, the country plant zone differentials set forth in Column C of the table shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201-210 miles and for the other applicable distances, divided by 9.05. Such adjustments shall be made to the nearest one-tenth cent per hundredweight.

(c) If such rail tariff on cream is changed, the rail tariff rate on cream for mileage distances of 201-210 miles times 1.03 and adjusted to the nearest one-half cent shall be used in place of 52.5 cents specified in § 904.41 and § 904.63.

§ 904.44 *Butter and cheese adjustment.* During the months of April, May, June, and July, the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Using the midpoint of any range as one price, compute the average of the daily prices for Grade A (92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, and add 20 percent.

(b) Divide by 3.7 the amount determined pursuant to § 904.41 (a) and subtract from the quotient the amount determined pursuant to paragraph (a) of this section. The result is the butter and cheese differential. If the Class II price is determined pursuant to § 904.41 (d) subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture, multiplied by 1.22.

(c) Determine the pounds of butterfat in Class II milk received from pro-

ducers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(d) Subtract such portion of the quantity determined in paragraph (c) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(e) Multiply the remaining pounds of butterfat determined pursuant to paragraph (d) of this section by the butter and cheese differential determined pursuant to paragraph (b) of this section.

§ 904.45 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 *Announcement of class prices and differentials.* The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determining the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Next, his Class I milk shall be allocated to receipts of milk from producers at each of the handler's country plants from which Class I milk was disposed of for consumption in the States of Maine, New Hampshire, or Vermont. The quantity allocated pursuant to this paragraph shall consist of the quantity of Class I milk disposed of from each such plant as follows:

(1) Sales to Maine, New Hampshire, or Vermont consumers, without intermediate movement to another plant; and

(2) Movements to unregulated plants which in turn disposed of Class I milk for distribution only in the States of Maine, New Hampshire, or Vermont.

(c) The handler's remaining Class I milk shall be allocated to plants in the order of the nearness of the plants to Boston by railway mileage distance. Subject to paragraph (b) of this section, the quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(d) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers ordinarily delivered.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1,

rate per week with board and room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the whole-sale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00

Percentage of normal supply—Continued	Supply-demand adjustment factor
102 to 103	0.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.03

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561:		Class I price
At least	But less than	
\$4.88	\$5.10	\$4.99
\$5.10	\$5.32	5.21
\$5.32	\$5.54	5.43
\$5.54	\$5.76	5.65
\$5.76	\$5.98	5.87
\$5.98	\$6.20	6.09
\$6.20	\$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDED PRICES TO PRODUCERS

§ 904.50 *Computation of value of milk received from producers.* For each month, the market administrator shall compute in the following manner the value of milk received from producers which is sold, distributed, or used by each pool handler:

(a) Multiply the quantity of milk in each class by the price applicable pursuant to §§ 904.40, 904.41, and 904.42;

(b) Add together the resulting value of each class; and

(c) Adjust the value determined in paragraph (b) of this section as provided in § 904.44.

§ 904.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61 (b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

#### PAYMENTS FOR MILK

§ 904.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 904.61 (a)

§ 904.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and



(b) To producers, through the market administrator, by paying to, on or before the 23rd day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 905.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23rd day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subject to § 904.43 (c) subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 904.42, as adjusted by § 904.43, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47 and each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in Zone 21 plus 5.8 cents.

(2) On outside milk received at any regulated plant from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the zone of the unregulated plant and the lesser of either the simple average for the month of the lowest minimum semi-monthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located or the price determined pursuant to § 904.41 applicable at the zone of such plant.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, the payment on outside milk received at any regulated plant from an unregulated plant shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the unregulated plant.

(4) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they ordinarily delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the handler's plant.

§ 904.66 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

§ 904.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 904.61, 904.62, and 904.65 to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day shall be increased one-half of 1 percent effective the 11th day of such month.

§ 904.68 *Statements to producers.* In making the payments to producers prescribed by § 904.61 (a) each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 904.66, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### ADMINISTRATION EXPENSE

§ 904.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 3 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

#### OBLIGATIONS

§ 904.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact,

material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 904.80 *Effective time.* The provisions of this subpart or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

*Order<sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Milk in the Merrimack Valley, Massachusetts, Marketing Area*

§ 934.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

hereby further amended to read as follows:

#### DEFINITIONS

§ 934.1 *General definitions.* (a) "Act means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Merrimack Valley Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Merrimac.
Billerica.	Methuen.
Chelmsford.	North Andover.
Dracut.	Tewksbury.
Groveland.	Tyngsboro.
Haverhill.	Westford.
Lawrence.	West Newbury.
Lowell.	

(c) "Order" used with the name of a marketing area other than the Merrimack Valley, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not

apply to a dairy farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms

by tank truck; and at which are currently maintained weight sheets or other records of the individual farmer's deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21, and 934.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The terms also include sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27, and receipts from regulated plants under the Boston, Worcester, or Springfield orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 934.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's

status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17, and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2) and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the reg-

ulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order. Also, any plant which otherwise met all of the requirements for pool plant status during each of the months of October 1955 through February 1956 shall not be a nonpool plant during the months of March through September 1956, solely because of the previously effective language of the dealer definition which did not make the operation of a plant a qualifying condition under such definition.

§ 934.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 934.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products other than cream.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

- (a) Receipts of exempt milk.
- (b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.
- (c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.
- (d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.
- (e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of Pool Handlers' Receipts to Class II Milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from Other Federal Order Plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26, and 934.27.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16, and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order.



(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 934.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

#### CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 934.48 plus 52 cents.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest

railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Less than 40 1/2.....	-17.0	-2.0
41 to 50.....	-41.5	-2.0
51 to 60.....	-42.5	-3.0
61 to 70.....	-43.0	-3.0
71 to 80.....	-44.5	-3.0
81 to 90.....	-43.0	-3.0
91 to 100.....	-43.5	-3.0
101 to 110.....	-43.5	-4.5
111 to 120.....	-47.0	-4.5
121 to 130.....	-47.0	-4.5
131 to 140.....	-49.0	-4.5
141 to 150.....	-50.5	-4.5
151 to 160.....	-52.0	-6.0
161 to 170.....	-52.0	-6.0
171 to 180.....	-54.5	-6.0
181 to 190.....	-54.5	-6.0
191 to 200.....	-56.0	-6.0
201 to 210.....	-56.0	-7.0
211 to 220.....	-56.0	-7.0
221 to 230.....	-56.5	-7.0
231 to 240.....	-61.5	-7.0
241 to 250.....	-61.5	-7.0
251 to 260.....	-62.5	-8.0
261 to 270.....	-63.0	-8.0
271 to 280.....	-63.5	-8.0
281 to 290.....	-64.5	-8.0
291 and over.....	-65.5	-8.0

§ 934.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 934.42 and the price factors specified in §§ 934.40 and 934.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 934.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 943.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 934.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or

room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98

Percentage of normal supply—Continued	Supply-demand adjustment factor
104 to 105	0.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price		
Index times \$0.0561.		
<i>At least</i>	<i>But less than</i>	<i>Class I price</i>
\$4.88	\$5.10	\$4.99
\$5.10	\$5.32	5.21
\$5.32	\$5.54	5.43
\$5.54	\$5.76	5.65
\$5.76	\$5.98	5.87
\$5.98	\$6.20	6.09
\$6.20	\$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDING PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a) (b) (c), (g) and (j)

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i) and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 934.50 and the payments required pursuant to §§ 934.65 and 934.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 934.61 (b) 934.65, and 934.66 for the preceding month,

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 934.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

#### PAYMENTS FOR MILK

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end

of the month, makes final payment as required by § 934.61 (a)

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b) 934.65, and 934.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 934.63 of the Boston order.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on Outside Milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 934.40 and 934.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 934.63 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a)

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.70 and 934.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### MARKETING SERVICES

§ 934.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.71 *Marketing service deduction; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.70 each handler shall, in lieu of the deductions specified in § 934.70, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

## ADMINISTRATION EXPENSE

§ 934.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

## OBLIGATIONS

§ 934.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

## MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

*Order<sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area*

§ 996.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

hereby further amended to read as follows:

#### DEFINITIONS

§ 996.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Order" used with the name of a marketing area other than the Springfield, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 996.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 996.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not

apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 996.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving

milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 996.20, 996.21, and 996.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 996.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 996.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Worcester orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Worcester order, without its intermediate movement to another plant.



(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month, or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 996.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 996.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order.

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the

plant's status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 996.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16, 996.17, and 996.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, or the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1) (2) and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 996.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 996.25 and 996.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes I-A, I-B, or I-C under the New York order, and shall be classified as Class II milk if classified in any class other than I-A, I-B, or I-C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England

States and New York State, they shall be classified as Class I milk.

§ 996.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 996.18 *Responsibility of handlers in establishing the classification of milk.*

(a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 996.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 996.21 or § 996.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Worcester orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

§ 996.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total

receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 996.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

§ 996.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 996.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

- (a) Receipts of exempt milk.
- (b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 996.27.
- (c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.
- (d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.
- (e) Receipts of milk directly from producers at the handler's city plant.
- (f) Receipts of outside milk at the handler's city plant.
- (g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Springfield.
- (h) Receipts of milk from producers at the handler's country plants not pre-

viously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Springfield.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Springfield.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 996.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

§ 996.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

§ 996.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 996.25 through 996.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through 996.18.

§ 996.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating

to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

## PROPOSED RULE MAKING

§ 996.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

## MINIMUM CLASS PRICES

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 52 cents.

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to Sec. 904.41 of the Boston order plus 5.8 cents.

§ 996.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40 and 996.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Springfield, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Springfield from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 996.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I Price differentials (cents per hundred-weight)	Class II Price differentials (cents per hundred-weight)
Less than 40½	None	None
41 to 50	-41.5	-2.0
51 to 60	-42.5	-3.0
61 to 70	-43.0	-3.0
71 to 80	-44.5	-3.0
81 to 90	-45.0	-3.0
91 to 100	-45.5	-3.0
101 to 110	-45.5	-4.5
111 to 120	-47.0	-4.5
121 to 130	-47.0	-4.5
131 to 140	-48.0	-4.5
141 to 150	-50.5	-4.5
151 to 160	-52.0	-6.0
161 to 170	-52.0	-6.0
171 to 180	-54.5	-6.0
181 to 190	-54.5	-6.0
191 to 200	-56.0	-6.0
201 to 210	-56.0	-7.0
211 to 220	-60.0	-7.0
221 to 230	-60.5	-7.0
231 to 240	-61.5	-7.0
241 to 250	-61.5	-7.0
251 to 260	-62.5	-8.0
261 to 270	-63.0	-8.0
271 to 280	-63.5	-8.0
281 to 290	-64.5	-8.0
291 and over	-65.5	-8.0

§ 996.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 996.42 and the price factors specified in §§ 996.40 and 996.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a) (b), and (c) of this section shall be made to the nearest one-half cent per hundred-weight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundred-weight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 996.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 996.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 996.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or pub-

lished in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

## NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the

dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the whole-sale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.83
May and June	.83
July	.86
August	1.00
September	1.04
October, November and December	1.03

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561.		Class I price
At least	But less than	
\$4.88	\$5.10	\$4.99
\$5.10	\$5.32	5.21
\$5.32	\$5.54	5.43
\$5.54	\$5.76	5.65
\$5.76	\$5.98	5.87
\$5.98	\$6.20	6.09
\$6.20	\$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDING PRICES TO PRODUCERS

§ 996.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 996.25 (a) (b), (c) (g), and (j)

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 996.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 996.40, 996.41, and 996.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 996.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 996.25 (f), (i) and (k) by the price applicable pursuant to §§ 996.41 and 996.42.

§ 996.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to §§ 996.65 and 996.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61 (b) 996.65, and 996.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, 996.65, and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

PAYMENTS FOR MILK

§ 996.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 996.61 (a)

§ 996.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer

at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 996.63 and 996.64, for the quantity of milk delivered by such producer and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b) 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

§ 996.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 996.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 996.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

*Massachusetts.*

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

*New Hampshire.*

Chesterfield.	Westmoreland.
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*Vermont.*

Brattleboro.	Newfane
Dover.	Putney.
Dummerston.	Wilmington.
Marlboro.	

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

*Connecticut.*

Ellington.	Somers.
Enfield.	Stafford.
Granby.	Suffield.

*New Hampshire.*

Hinsdale.	Winchester.
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*Vermont.*

Gulford.	Vernon.
Halifax.	Whitingham.
Readsboro.	

§ 996.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the handler's plant.

§ 996.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 996.40 and 996.42, effective for the lo-

cation or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 996.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 996.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 996.61, 996.62, 996.65, and 996.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 996.68 *Statements to producers.* In making the payments to producers prescribed by § 996.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a)

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.70 and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

**MARKETING SERVICES**

§ 996.70 *Marketing service deduction, nonmembers of an association of producers.* In making payments to producers pursuant to § 996.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.



§ 996.71 *Marketing service deduction, members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

#### ADMINISTRATION EXPENSE

§ 996.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

#### OBLIGATIONS

§ 996.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all

books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 996.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 996.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such

suspension or termination. Any funds collected, pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

*Order<sup>1</sup> Amending the Order as Amended, Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area*

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to § 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner

<sup>1</sup> This order shall not become effective unless and until the requirements of § 909.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

#### DEFINITIONS

§ 999.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Paxton.
Boylston.	Rutland.
Clinton.	Shrewsbury.
Grafton.	Spencer.
Holden.	West Boylston.
Leicester.	Worcester.
Millbury.	

(c) "Order" used with the name of a marketing area other than the Worcester, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 999.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 999.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, live stock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 999.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the

receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 999.20, 999.21, and 999.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 999.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half"

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half"

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the

total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 999.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Springfield orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston, Merrimack Valley, or Springfield orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant: (1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 999.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 999.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 999.15 *Classes of utilization*. All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16, 999.17, and 999.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold; distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 999.16 *Classification of interplant movements of fluid milk products other than cream*. Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 999.25 and 999.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order, except that

if moved to a plant subject to the New York order they shall be classified as Class I milk; if classified in Classes I-A, I-B, or I-C under the New York order, and shall be classified as Class II milk if classified in any class other than I-A, I-B, or I-C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 999.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products*. Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 999.18 *Responsibility of handlers in establishing the classification of milk*.

(a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 999.20 *Basic requirements for pool plant status*. Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 999.21 or 999.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through Febru-

ary shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

§ 999.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 999.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

§ 999.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 999.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 999.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk from the country pool plants of other handlers, in the order of the nearness of the plants to Worcester.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Worcester.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Worcester.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 999.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

§ 999.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

§ 999.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 through 999.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.18.

§ 999.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not

been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(a) Within 3 days after each day on sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

#### MINIMUM CLASS PRICES

§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 52 cents.

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.3 cents.

§ 999.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40 and 999.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as

the shortest distance from the plant to the City Hall in Worcester, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Worcester from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 999.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Less than 40 1/4	None	None
41 to 50	-41.5	-2.0
51 to 60	-42.5	-3.0
61 to 70	-43.0	-3.0
71 to 80	-44.5	-3.0
81 to 90	-45.0	-3.0
91 to 100	-45.5	-3.0
101 to 110	-47.5	-4.5
111 to 120	-47.0	-4.5
121 to 130	-47.0	-4.5
131 to 140	-48.0	-4.5
141 to 150	-49.5	-4.5
151 to 160	-52.0	-6.0
161 to 170	-52.0	-6.0
171 to 180	-54.5	-6.0
181 to 190	-54.5	-6.0
191 to 200	-56.0	-6.0
201 to 210	-57.0	-7.0
211 to 220	-60.0	-7.0
221 to 230	-60.5	-7.0
231 to 240	-61.5	-7.0
241 to 250	-61.5	-7.0
251 to 260	-62.5	-8.0
261 to 270	-63.0	-8.0
271 to 280	-63.5	-8.0
281 to 290	-64.5	-8.0
291 and over	-65.5	-8.0

§ 999.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 999.42 and the price factors specified in §§ 999.40 and 999.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a) (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 999.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 999.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 999.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 999.46 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month



## PROPOSED RULE MAKING

and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the whole-sale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price		Class I price
At least	But less than	
\$4.88	\$5.10	\$4.99
\$5.10	\$5.32	5.21
\$5.32	\$5.54	5.43
\$5.54	\$5.76	5.65
\$5.76	\$5.98	5.87
\$5.98	\$6.20	6.09
\$6.20	\$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

## BLENDED PRICES TO PRODUCERS

§ 999.50 *Computation of net value of milk used by each pool handler* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 999.25 (a) (b) (c), (g) and (j)

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 999.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 999.40, 999.41, and 999.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 999.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 999.25 (f), (i), and (k) by the price applicable pursuant to §§ 999.41 and 999.42.

§ 999.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 999.50 and the payments required pursuant to §§ 999.65 and 999.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61 (b) 999.65, and 999.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, 999.66, and 999.67.

(c) Deduct the amount of the plus differentials, and add the amount to the minus differentials, which are applicable pursuant to § 999.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 999.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

## PAYMENTS FOR MILK

§ 999.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate

less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 999.61 (a).

§ 999.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b), 999.65, and 999.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

§ 999.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 999.61 (a) shall be subject to the Class I price differen-

tials applicable pursuant to § 999.42, and to further differentials as follows: (a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Hinsdale, New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the handler's plant.

§ 999.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 999.40 and 999.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 999.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 999.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 999.61, 999.62, 999.65, and 999.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased

one-half of 1 percent effective the 11th day of such month.

§ 999.68 *Statements to producers.* In making the payments to producers prescribed by § 999.61 (a) each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### MARKETING SERVICES

§ 999.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 999.61 (a) each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 *Marketing service deduction; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

#### ADMINISTRATION EXPENSE

§ 999.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products,

other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

#### OBLIGATIONS

§ 999.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this

order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 999.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations, and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

[F. R. Doc. 55-7520; Filed, Sept. 15, 1955; 8:51 a. m.]

#### [ 7 CFR Part 909 ]

##### HANDLING OF ALMONDS GROWN IN CALIFORNIA

##### BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1955

Notice is hereby given that the Department is considering the issuance of the

proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.)

Prior to the issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission must be received by the Director not later than the close of business on the next following work day.

Pursuant to the aforesaid agreement and order, the Almond Control Board, which administers the program, transmitted to the Secretary of Agriculture its recommendations regarding the budget of expenses and rate of assessment for the crop year beginning July 1, 1955. The Board's recommendations and other pertinent information and data have been considered by the Department and on the basis of such consideration it is proposed that the budget of expenses be fixed at \$30,500. This proposed budget is approximately the same as expenses for the 1953-54 crop year but slightly below those for the 1954-55 crop year and about \$5,000 below the 1954-55 crop year budget. It is believed that the proposed budget is reasonable and that expenses in such amount are likely to be incurred by the Board.

The Board expects that the quantity of assessable almonds during the 1955-56 crop year will approximate 39 million pounds of edible kernels. An assessment rate of twelve and one-half hundredths (0.125) of a cent per pound of edible kernels would result in the collection of sufficient funds to meet the budget and provide a reasonable excess to defray expenses during the first four months of the 1956-57 crop year. The proposed rate compares with a rate of ten hundredths (0.10) of a cent per pound of edible kernels during the last crop year.

As is provided in the agreement and order, such funds as are collected in excess of expenditures for a crop year may be used temporarily by the Board to defray expenses during the first four months of the succeeding crop year but must be refunded to handlers from whom collected within five months from the beginning of such crop year.

Therefore, the proposed rule is as follows:

§ 909.305 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1955—(a) Budget of expenses.* For the crop year beginning July 1, 1955, expenses in the amount of \$30,500 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pur-

suant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1955, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, twelve and one-half hundredths (.125) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Issued at Washington, D. C., this 12th day of September 1955.

[SEAL]

S. R. SMITH,  
Director

Fruit and Vegetable Division.

[F. R. Doc. 55-7508; Filed, Sept. 15, 1955;  
8:49 a. m.]

## 17 CFR Part 943 I

[Docket No. AO 231-A6]

### HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

#### DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Dallas, Texas, on January 18-20, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (19 F. R. 8482) upon a proposed amendment to the tentative marketing agreement and to the order as amended regulating the handling of milk in the North Texas marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 11, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 16, 1955 (20 F. R. 5939).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts

found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Modification of the definitions of "producer" "handler" and of milk plants to be pooled under the order;
2. The modification of the definition of other source milk, and clarification in the order language with respect to the accounting for concentrated milk products used in processing;
3. Revision of the provisions for the classification of milk transferred to non-pool plants and a redesignation of the "surplus milk manufacturing area";
4. Modification of the Class I and Class II pricing formulas;
5. The establishment of transportation allowances to handlers and location adjustments on producer milk at pool plants located outside of the marketing area;
6. Changes in the base-operating and base-forming periods and in the rules pertaining to the transfer of bases;
7. Clarification of the order language with respect to the exemption under the order of plants regulated by another Federal order and removal of a provision for payments on milk distributed in the marketing area from plants regulated by another order;
8. The application of interest charges on overdue accounts and modification and clarification of certain administrative provisions of the order;

#### FINDINGS AND CONCLUSIONS

The findings and conclusions with respect to the material issues, all of which are based on the evidence introduced at the hearing, and the record thereof are as follows:

(1) *Definitions.* Under the present order, the "Grade A" milk received from producers at approved plants is priced and pooled and the handlers operating such plants are subject to full regulation. It was proposed that the definition of an approved plant be amended to provide changes in the present performance standards for country receiving plants to qualify as approved plants. It was also proposed that a plant located in the marketing area, operated by a cooperative association and approved for the handling of Grade A milk, be an approved plant. In order to facilitate order construction and to clarify the application of the order with respect to the different categories of plants, it is concluded that separate definitions should be included in the order for distributing plants, supply plants and pool plants.

(a) *Distributing plant.* The definition of a distributing plant should be essentially the same as that portion of the present approved plant definition which includes all plants which are approved for the processing or packaging of Grade A milk and from which such milk is disposed of on routes in the marketing area.

(b) *Supply plant.* The present definition of an approved plant includes a supply plant which is under the routine inspection of the appropriate health authority of the City of Dallas or Ft. Worth and from which 50 percent or more of the receipts of Grade A milk are moved during the month to distributing plants

and assigned as reserve supply credit. Reserve supply credit assignable to the milk furnished by supply plants is determined by subtracting from the total Class I sales of the distributing plant receiving the milk, the Class I sales to other handlers and an amount equal to 85 percent of the milk received directly from producers at such distributing plant. Provision is made for such a plant to retain its approved (pool) plant status following January of each year upon written request, if such a plant qualified as an approved plant during 4 months of the immediately preceding period of August through January, and disposition of milk from such plant is such that it is still possible for it to qualify during 4 months within the period of August through January next following.

It is necessary to establish standards of market association for supply plants in order to provide reasonable limits to the scope of the regulation and of the pooling provisions which are a necessary incident of the regulation. These standards of association afford the means whereby plants may elect to either enter the market, subject themselves fully to order pricing and other order requirements, and to participate in market pooling, or to provide only that amount of milk to the market which will avoid the full impact of regulation and market pooling. Such standards are necessary not only to make this election available to plant operators but also to promote the effectiveness of a classified pricing plan and market-wide pooling.

Class I prices in the North Texas market are designed to attract an adequate and dependable supply of market milk. In order to accomplish this purpose, it is necessary that the distribution of the proceeds of the higher returns from the sale of Class I milk be distributed among dairy farmers supplying plants associated primarily with the North Texas market. To distribute these proceeds among dairy farmers supplying plants which furnish milk primarily to other markets or primarily engaged in manufacturing milk operations would derogate from the purpose for which Class I prices are established. Such pooling would, in effect, reduce the uniform price paid to producers regularly supplying the market and adversely affect the supplies of milk which Class I prices would be otherwise adequate to attract.

The election which is available to plant operators to associate their plant with the North Texas market and subject their operations to regulation or to avoid regulation are necessary to facilitate securing supplemental supplies of milk at times when the market may be short. Unregulated plants are frequently unwilling to supply occasional shipments of milk when the consequence of such a shipment is to expose the operations of the plant to order regulation. Under the conditions which prevail in the North Texas market, it is not necessary to extend regulation to plants which supply only occasional or incidental shipments of milk to a market. It is also necessary to provide standards of association as a prerequisite to the imposition of regulation in order to avoid the possibility of

subjecting plant operators to regulation by virtue of shipments handled through brokers or in any other fashion which presumes that the plant operator may be in ignorance of the final destination of the milk.

The present provisions for supply plants to achieve pool plant status were adopted by amendment to the order in 1953. At that time and up to the present, there have been no supply plants located outside of the marketing area which have been regularly associated with the market. As additional milk has been needed, direct shipped milk has been increased. Starting as early as 1952, direct receipts of milk have been received from a number of producers located in the States of Missouri and Northern Arkansas. The record shows that a receiving station is under construction at Monett, Missouri, at which a portion of the milk of these producers will be assembled, cooled and moved in bulk form to distributing plants in the North Texas marketing area. On the basis of the data pertaining to the direct shipments of milk from these producers minor modifications are needed in the present supply plant standards.

An analysis of the relationship of the receipts of producer milk to Class I sales in the market in conjunction with the differences in the seasonal variation in production of milk by the Missouri producers as compared with other producers on the market, shows that the requirement that a supply plant move at least 50 percent of its receipts to the market and be assigned as reserve supply credit during each of 4 months of the August-January period could very well result in excluding the Monett plant from the pool or cause uneconomic movements of milk to the marketing area in a few months in order for the plant to qualify. Based on past experience in this market and under what could be considered as reasonable and desirable supply-demand relationships, there were adequate supplies of direct shipped milk to supply the Class I requirements and provide required operating reserves without moving the full 50 percent of the receipts from the Missouri-Arkansas supply area in each of the prescribed months. On the other hand, it is evident that these more distant sources of supply are needed to meet the year-round requirements for Class I disposition in the market. By making it possible for a somewhat greater portion of the more distant supply plant milk to remain at its source and be manufactured into Class II products during some months and be pooled along with all other producer milk, considerable transportation costs could be saved. There are adequate and nearby manufacturing facilities available in this more distant area to transfer or divert such reserve supplies as may not be needed by the market.

It was proposed by the producers association which is to operate the new plant that the requirements for continuing pool plant status be amended to provide that a supply plant will maintain continuing status as a pool plant if milk is shipped and assigned as reserve supply credit as follows: at least 15 percent of the Grade A receipts at such plant during

two of the three months of August, December and January; 50 percent of such receipts during September; 75 percent of such receipts during October and during November 35 percent.

These shipping standards were to be supplemented by a "call milk" provision whereby the operator of a plant would be required to notify the market administrator of his willingness to ship at least 80 percent of his producer receipts during each delivery period of August through January and the plant establishes an equivalent quantity of reserve supply credit in each month. Reserve supply credit under this provision would be determined from the routine notification to the market administrator of the amount of milk offered. In addition to the amount of milk offered, such statement would set forth other information on the price and terms of sale. The reserve supply credit would be equal to the amount of milk offered which was not in excess of the receipts from producers (including specific quantities of milk previously committed and shipped less any refusals to ship milk to a handler accepting the offer). Although there may be some merit in a call provision of the type suggested by proponents, it does not appear to be necessary in this market at this time.

The proposals for amending the performance standards for pool plants were quite limited. Except as has been discussed heretofore there were no other proposals to alter either the present method of determining reserve supply credit or the performance standards for plants to achieve initial pool plant status. It is possible that, as more experience is gained with the movements of milk from country plants and as changes develop in production and sales patterns, consideration may need be given to other methods of measuring a plant's association with the market for the purpose of establishing pool plant status. This, of course, is a matter that would have to be considered at a later hearing.

Provision should be made for a new plant which may enter the market to achieve pool plant status on the same basis as is required of plants which have previously established themselves as supply plants for the market. To do this a supply plant should be defined as any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which 50 percent or more of the receipts of skim milk and butterfat in Grade A milk during the month is moved as fluid milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit. This portion of the definition is essentially the same as that contained in the present order. No reference is made, however, to specific health departments because such reference is unnecessary so long as it is required that the plant be approved to supply milk for fluid distribution as Grade A milk in the marketing area. Since fluid cream is a Class I product and is included in determining the reserve supply credit for a plant, the

skim milk and butterfat contained in shipments of cream should likewise be included in the shipments from supply plants.

Provision should also be made for a plant to continue as a supply plant in succeeding months so long as an average of 50 percent is maintained and during the current month at least 15 percent of the plant's Grade A receipts is moved and assigned to reserve supply credit. The adoption of this average relationship basis adds a desired degree of flexibility to the present pool plant standards. This reduces the effects of sporadic or random variations in the amount of available reserve supply credit at distributing plants because of monthly fluctuations in its sales or receipts and in the receipts of milk at the supply plant. In order to determine the average relationship on a current basis and to use the same number of months as is used in the short production period which is recommended below to determine continuing status for plants during the immediately following months, a maximum period of four months should be used (the current and the immediately preceding one, two or three months as the case may be).

Plants which qualify as supply plants and are pooled during the short production season, when milk is needed most in the market, should be permitted to participate in the marketwide pool during the flush production season when regular shipments may not be needed. Provision is made, therefore, for a plant qualifying as a supply plant during each of the months of September through December to be designated as a supply plant for the following months of January through August, if a request is filed by the operator of such plant to the market administrator for continuing status on or before January 31, providing that, to remain qualified for the month of August 15 percent or more of the receipts of Grade A milk at such plant is moved to a distributing plant and assigned to reserve supply credit. August is a month of transition between the "long" and "short" production season and although supplies normally decline substantially in this month, the testimony shows that it is not reasonable to require that a plant meet the 50 percent requirement. The weather is a particularly important factor affecting supply conditions during this month. It is concluded, therefore, that the 15 percent requirement is reasonable for this month.

The above stated standards for supply plant status are in effect very similar to those suggested by proponents of the amendment to provide less onerous shipping requirements for the maintenance of pool plant status. In developing the recommended standards, however, consideration was given to the possibility that the months of shortest supply in relation to Class I sales (usually October) vary somewhat from one year to the next because of unusual production or sales conditions. Similarly, this relationship may vary in the other months. By using an average relationship for achieving or maintaining pool plant status, particularly for the period of September through December, rather



than the specific monthly seasonal percentages as was proposed, this difficulty is overcome. In formulating the supply plant standards, consideration was also given to differences in the seasonal production pattern of producers shipping directly to the market as compared with producers who may be expected to supply more distant receiving stations. It is concluded that the above stated requirements for pool plant qualifications reflect an association of such plants with the market which makes it reasonable to subject them to full regulation and to provide for their participation in the market pool.

In view of the fact that this amendment will not become effective prior to the month of October 1955, provision should be made for a supply plant to achieve continuing status for the January-August period of 1956 by meeting the 50 percent requirement during the months of October through December of 1955.

(c) *Pool plant.* "Pool plant" should be defined to include (1) a distributing plant or a supply plant, and (2) any plant approved to supply Grade A milk to the marketing area and operated by a cooperative association if 75 percent or more of the producer milk from members of such association is delivered directly by such producers or is transferred by the association from its approved plant during the month to the pool plants of other handlers.

All pool plants will be subject to full regulation and participate in the market-wide pool. The regulation and pooling of milk at distributing and supply plants (formerly approved plants) have been discussed previously in this and former decisions.

The North Texas Milk Producers Association, a cooperative bargaining association representing a majority of the producers supplying the North Texas marketing area, operates a Grade A receiving plant and also engages in manufacturing milk operations at Muenster, Texas. This plant was procured primarily for the purpose of handling excess milk from the North Texas market. Although this plant is approved to handle Grade A milk, nearly all of the milk of the cooperative's members is delivered directly to handlers' pool plants. It would be uneconomic for the association to receive the milk of its members at its plant and then transfer milk to the pool plant of other handlers in order to qualify as a supply plant under the order. In order to facilitate the allocation of milk among handlers, this plant, however, may at times perform the service of receiving and cooling milk of some of its members and transferring it to the pool plants of other handlers. The association, at times, also receives Grade A milk of its members at this plant and disposes of it to other markets when local market requirements are satisfied. It is desirable, therefore, that the Grade A plant operated by the association be considered as a pool plant under the order. In this manner the milk of producers regularly associated with the market will be pooled even though such milk is not received by a plant qualifying as a distributing or supply plant. The

designation of a plant such as is operated by this association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer while under the present order such transfers would be considered as other source milk in the receiving handlers plant. Furthermore, the inclusion of such a plant as a pool plant will assure that all producer milk associated with the market will be included in the pool in each month and therefore reflect the true supply-demand relationship prevailing in the market. Under the present provisions, of the order, milk of members which is not diverted for the account of a handler or the account of the association would not be included in the pool.

In view of the above stated consideration, it is concluded that the Grade A plant of any cooperative association whose producer members are primarily associated with the North Texas market should be considered as a pool plant. It is concluded that the requirement that not less than 75 percent of the milk of the cooperatives producer members be received during the month directly at the pool plant of other handlers or transferred by the cooperative association from its plant to the pool plants of other handlers is reasonable. Because of the seasonal nature of milk production, it is further concluded that a plant operated by a cooperative which meets the 75 percent standard during each of the months of September through December of each year should be considered as a pool plant during other months of the year. This will assist in assuring that producers who are associated with the market during the short production season will be able to retain their status as producers during the flush production season and the receipts and disposition of milk at all plants associated with the market would be reflected in the total market receipts and utilization each month.

(d) *Handler.* The present definition of a handler should be revised to conform with the plant definitions herein proposed and to provide that a cooperative association shall be a handler with respect to milk of a producer-member, which it causes to be delivered to the approved plant of another handler for less than a full month under certain conditions. The record shows that a cooperative association follows the practice of transferring certain routes or loads of milk for the purpose of supplying Class I needs of handlers and in keeping the milk allocated among the various handlers in accordance with their needs. Thus, certain loads of milk which are used for this purpose may be received at the pool plants of a number of different handlers as well as at the plant of the cooperative or diverted to a nonpool plant during the same month. To facilitate the reporting and accounting procedures on such movements of milk, provision should be made for the association to become a handler with respect to milk of a producer-member which the association causes to be delivered during any period or less than a full month directly to the pool plant of another handler for the account of such association if during the same month

the association otherwise becomes a handler with respect to deliveries of milk from such producer during a portion of the month.

As a prerequisite to becoming a handler of such milk, the association should be required to notify the handler receiving such milk and the market administrator of the association's intent to become a handler with respect to such milk. Such milk should be deemed to have been received by the cooperative at a pool plant at the location of the plant to which it is delivered. Such milk would be considered as an interhandler transfer under the classification procedures of the order. In the absence of notification by the association to the market administrator and to the transferee handler of its intent to become a handler with respect to such transfers, the handler who physically receives such milk will then continue to be responsible for reporting and payment for such milk in the same manner as for his other receipts of producer milk.

The handler who physically receives the milk for which a cooperative association becomes the handler under this provision should be required to pay the association not less than the applicable class prices including differentials prescribed by the order. In this manner the cooperative association will be responsible for equalization with the pool and the transactions involved will be minimized. Such payment should be made not later than the date in which payment is required to be made to a cooperative association for the milk of other members for whom the cooperative association is otherwise authorized to collect payment from handlers.

Several questions were raised in the exceptions filed as to the effects of making the cooperative association a handler with respect to milk which it causes to be delivered to a handler's pool plant for periods of less than a month. It was argued that such milk should be considered as a receipt of milk from producers at such handler's pool plant for the purpose of determining allowable shrinkage in Class II milk and for ascertaining the volume of milk furnished by supply plants to distributing plants to which location adjustments apply. It is concluded that such milk for which the cooperative becomes a handler should be treated for such purposes as a receipt at the handler's pool plant in the same manner as it is under the present provisions of the order. Similarly, for the purpose of applying Step 4 of the allocation procedure (§943.46) and for administrative assessments, such receipts should be considered as producer milk at the pool plant of the handler who physically receives the milk.

(e) *Producers.* The definition of a producer should be modified to incorporate reference to the proposed changes in plant definitions and to provide specific language with respect to the period that the milk of a producer may be diverted to a nonpool plant and still remain in the marketwide pool. The order currently does not provide any limitation on the period of time producer milk may be diverted. Presumably, a handler may divert producer milk in-

definitely after once having received the producer's milk in his pool plant. It is equally as important to have some limitation on the period of time that milk may be diverted as it is to have supply plant standards to determine what milk is to be pooled under the order. It is concluded that the present provisions for unlimited diversion should apply during the months of January through July. Provision should be made, however, that milk will not be considered as producer milk for any period that it is diverted to a nonpool plant for more than 15 days during other months of the year. Experience in this market indicates that such a provision will make ample provision for the diversion of reserve supplies of milk during any month when it is not needed in the market and yet make appropriate provision for pooling the milk of all producers associated with the market.

(2) The definition of other source milk should be drawn so as to insure equality among handlers in the application of the allocation and reclassification procedures and to clarify the accounting procedure under the order.

Other source milk should be defined to include receipts of fluid milk products from sources other than producer milk and receipts from other handlers. A definition of "fluid milk products" has been included in the order to simplify the language in other order provisions. "Fluid milk products" will include all milk, skim milk and cream and other fluid products specified under the class definitions as Class I milk. All products other than fluid milk products, from any source, which are reprocessed or used in another product in a pool plant during the month will be considered as other source milk. This will include in addition to manufactured products purchased from outside sources, manufactured products made from producer milk at the plant or by another plant during the same or an earlier month and converted into another product during the month.

Condensed and dry skim milk are the principal products involved. By following this procedure and by making conforming changes in other order provisions, all receipts of milk under the order will fall within four categories as follows:

- (1) Producer milk;
- (2) Milk from other handlers;
- (3) Inventory of fluid milk products; and
- (4) Other source milk.

By incorporating the proposed definition of other source milk, the method of accounting for other source milk by all handlers will follow identical accounting procedures whether or not the manufactured products which are reused in a handler's plant are converted from producer milk or purchased from outside sources. Skim milk and butterfat used to produce manufactured (Class II) products should be considered as disposed of when so utilized and therefore will not enter into the classification procedure again unless reused or reconverted. It will be necessary for the handler to include in his monthly receipts and utilization report only that

portion of any manufactured products which are used in his plant in producing another product during the month.

Manufactured products which are not reprocessed into another product such as butter, ice cream, ice cream mix, and dried curd, to which no cream is added and the like would not be reported. Records of sales and stocks of manufactured products, however, must be maintained by the handler to facilitate the auditing program of the market administrator.

Under the present accounting procedure, handlers who reuse products which were originally made from producer milk are subject to a reclassification charge on the volume of skim milk and butterfat used to produce such products which is assigned to Class I milk under the allocation procedure. On the other hand, handlers purchasing manufactured products from outside sources for such use are not subject to such a reclassification charge. This change in the definition of other source milk will assure uniformity among handlers in the application of the allocation and pricing procedures of the order. Any other source milk in the pool plant, including that derived from manufactured products, will continue to be allocated first to the available Class II utilization. The proposed change, however, will remove the possibility of a reclassification charge on manufactured products which are made from producer milk and later allocated to Class I milk. The change will be to allocate producer milk to Class I to the extent that such milk is available from current receipts. This should promote more processing and storage of available supplies of seasonal reserve producer milk for later use.

To clarify further the accounting procedure under the order and to provide for uniform treatment to all handlers in connection with the use of condensed or nonfat dried milk solids and at the same time to effectuate the established principle of allocating current receipts of producer milk to Class I utilization, the order should specify that the nonfat solids content of such products should be accounted for on a fluid skim milk equivalent basis. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product should be considered as an amount equivalent to the nonfat milk solids contained in such product plus the water reasonably associated with such solids in the form of milk.

Some handlers in the market have facilities for making condensed skim milk products for use in their pool plants or for disposition to other handlers as condensed skim milk. Other handlers purchase solids from other sources. Such condensed solids are used in the reconstituting fluid milk products or to fortify skim milk drinks. Such Class I products are fortified by the addition of extra solids in order to improve their quality and acceptability to consumers. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk the same as all other Class I solids. There appears to be no reason why one portion of the solids-non-fat contained

in Class I products should be classified differently from another portion in this market.

The relationship between other source milk and producer milk now provided in the order with respect to allocation and classification should be the same regardless of the form in which the milk solids are obtained and utilized. The order presently provides that additional butterfat above 4 percent contained in Class I products shall be charged on the basis of the butterfat differential at the same rate as the butterfat represented by the basic butterfat test. No basis was presented on the hearing record whereby it would be possible or feasible to adjust class prices on a basis of an exact determination of solids nonfat content of the milk. Nevertheless, an adjustment should be made in the cost of Class I milk when the sales in such class are in the form of products from which part of the original water has been removed and not replaced. The most practicable means of accomplishing this is to adjust the volume of Class I disposition in accordance with the volume of the original milk required to produce the end product.

The effect of this change, in conjunction with the change in the definition of other source milk, may reduce or increase the cost of milk to handlers depending on the utilization pattern in individual plants and the source from which such nonfat solids are obtained. The proposed accounting system will have no effect on the classification of other source milk used in Class II milk. The marketwide effect of this change will be minor. It will, however, provide for greater equity among handlers in the cost of milk irrespective of the source of nonfat solids.

(3) The provisions with respect to the transfer and diversions of milk from pool plants should be modified.

Transfer provisions are provided in an order to supplement the class definitions in the classification of milk disposed of from the pool plant. The primary function of the provisions relating to the transfers of milk between pool plants is to remove any impediments to the movement of milk between the regulated plants and at the same time to assure that producer milk in such plants is assigned to the available Class I utilization to the fullest possible extent. It is customary to transfer both bulk and packaged products between pool plants. It is possible to carry out the intent of the classification procedure by providing for the transfer of such fluid milk products on an agreed upon basis so long as producer milk is not displaced by other source milk in Class I in either handler's pool plant.

The record shows that milk is frequently moved by handlers to the pool plants of other handlers to meet temporary shortages or to dispose of temporary reserve supplies. Such movements of milk assist in allocating available supplies of milk to the various handlers in accordance with their needs for Class I milk. It is often advantageous to divert entire loads or routes of milk in farm pickup bulk tanks or in producer cans prior to receiving and cooling the milk at the pool plant of the

handler to which such milk is normally delivered. The check-testing, accounting and payment for such temporary shifts of producer milk would be facilitated by considering such diversions as a receipt of milk in the handler's plant who previously and normally received the milk. Such milk could then be accounted for on the basis of a transfer of milk between pool plants. It is not reasonable or necessary to provide for unlimited diversions of producer milk between pool plants since the handler who first receives the milk from a producer must be held responsible under the order for the accounting and payment for such milk. It is concluded, therefore, that diversions of milk by a proprietary handler from his pool plant to the pool plant of another handler should be recognized but such recognition should be limited to a period of not more than 7 days during the month.

The primary function of transfer and diversion provisions applying to milk transferred by pool plants to nonpool plants is to facilitate the disposal of reserve supplies of milk and at the same time return to producers a value for the milk in accordance with its usage. If transfer provisions are properly drawn, they will also serve to afford a degree of protection to the market against shortages caused by withdrawals of milk by other fluid milk markets and at the same time remove any price incentive for the handler to dump surplus milk on other markets for fluid milk disposition at surplus prices. The classification of milk transferred between fluid milk markets also affects the amount of necessary reserve supplies of milk associated with each market and consequently the method used for such classification affects relative returns among producers serving the markets.

Several proposals were made at the hearing to modify the transfer provisions applying to milk transferred to nonpool plants. Questions were raised with respect to the propriety of classifying as Class I milk, milk transferred to plants located more than 300 miles distant. Another proposal would increase the number of counties outside of the 300-mile radius to which milk may be transferred and classified under certain conditions as Class II milk. A complaint was made concerning the effect of the allocation procedures as applied to milk transferred from one regulated market to another regulated market.

Although it is intended that the present order provision relative to fluid milk and skim milk transferred to nonpool plants apply only to bulk shipments, it is considered desirable that the provision be clarified to so specify. Fluid milk products which are disposed of from a pool plant in packaged form are intended for fluid consumption, and should be classified as Class I milk under the Class I milk definition when disposed of by the plant. Transfers of bulk milk and skim milk to nonpool milk plants, on the other hand, may be used either for disposition as fluid milk products or processed into manufactured products. For those reasons, the transfer provisions should apply only to fluid milk and skim milk in bulk. As will be discussed more

fully later, the present order provisions which apply to the transfers of bulk cream should not be modified.

Under the current order, milk transferred or diverted to a nonpool plant located more than 300 miles from Dallas, Texas, or outside of a 'surplus disposal area' (certain named counties in Missouri and Arkansas) is classified as Class I milk. It was proposed at the hearing that the surplus disposal area be expanded. Since the inception of the order, the milkshed has been further expanded into the States of Oklahoma, Arkansas and Missouri. Since most of this milk is produced in an area more than 300 miles from the marketing area and more efficient marketing is accomplished by moving any reserve supplies, particularly seasonal reserves, directly to manufacturing plants in the area of production, provision should be made under the order to permit the transfer of such milk as Class II milk for processing into manufactured dairy products. The record also indicates that there are more manufacturing facilities available in the Missouri and Arkansas area than in Texas to handle seasonal reserve supplies and that additional facilities have become available as possible outlets for seasonal reserve milk. It was also proposed that certain counties in the State of Oklahoma where plants with manufacturing facilities are located be included in the surplus disposal area. The record shows that plants located in the proposed surplus disposal area together with those in the marketing area represent all plants to which North Texas producer milk has been disposed of for manufacturing uses. Fluid milk disposed of outside of this area is for disposition in the form of fluid milk products. For those reasons, the transfer provisions which apply to milk transferred to nonpool plants should be modified to eliminate the reference to plants located within 300 miles from Dallas. The order should provide that transfers of bulk milk be classified as Class I milk: if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located outside of the marketing area or outside of the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Brath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas; Carter, Comanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma and Benton, Scott, Franklin, and Sebastian in the State of Arkansas.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant in the surplus disposal area the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification in the enlarged "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to provide a "surplus disposal area" of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might well tend to make unreasonable demands

of the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein North Texas handlers normally dispose of reserve supplies of milk for Class II purposes.

Certain changes should also be made in the provisions relating to the classification of milk transferred or diverted to a nonpool plant located within the designated surplus disposal area. Under the present order, milk transferred or diverted to such nonpool plants is assigned to Class I milk to the extent that the Class I sales in such plant exceed the receipts of milk from dairy farmers which are the regular source of supply for such plant. Since this provision applies to the transfers from each individual pool plant, it is possible that if milk were transferred to such nonpool plant by more than one pool plant, the same fluid milk product disposition at the nonpool plant may be assigned to the transfers of milk made by each pool plant. Provision should be made that there will be only an amount of skim milk and butterfat reclassified as Class I milk equivalent to the amount by which the skim milk and butterfat transferred by all handlers to such nonpool plant and reported as Class I milk is less than the skim milk and butterfat assignable to Class I at such plant. This will be accomplished by reclassifying a quantity of milk prorata for all handlers involved in accordance with the claimed Class II classification reported by each of such handlers.

The present transfer provisions should also be changed to provide that if the nonpool plant disposes of skim milk and butterfat in the form of bulk cream to a second plant that such cream be excluded from the fluid product disposition of the nonpool plant, provided that such cream is disposed of as ungraded product for manufacturing use with each container so tagged and such shipment so invoiced. This will provide the same basis for classification as is now followed for cream which is disposed of as ungraded bulk cream by pool plants directly to nonpool plants.

Testimony was presented by a handler to support the classification in Class II of milk, which is transferred to a plant subject to another Federal order, when such milk is allocated to the Class II utilization under the order in the receiving market. It is recognized that through the allocation procedure of assigning producer milk under each order to the highest priced available uses, a quantity of milk may be classified as Class I milk in the exporting market and allocated as other source milk to Class II milk under the order in the receiving market; but to classify an equivalent quantity of milk as Class II milk in the exporting market cannot be justified under the conditions which prevail. As has been previously pointed out, milk which is moved in fluid form from the North Texas marketing area to plants located outside of the designated surplus disposal area is not so moved for the purpose of manufacturing such milk into Class II milk products. It is moved to other regulated and unregulated mar-

kets because it is purchased to fulfill the fluid milk requirements in such markets. Furthermore, it is uneconomic and contrary to good marketing practice to transfer the water contained in fluid milk and incur the additional transportation cost if such milk is needed by the receiving market in concentrated form for a manufactured product, such as ice cream. The selling handler may account to the North Texas pool for such milk at the Class II price by first processing the milk into a manufactured product before moving it to another market. In addition, there is no evidence to indicate that facilities for converting fluid milk into Class II products are being operated in the plants in the receiving markets.

Because of the necessity of carrying some reserve supplies of milk to engage in a fluid milk operation and the practice of accounting for receipts and utilization on a monthly basis, some of the transferred fluid milk may be assigned to the Class II utilization under the order in the receiving market. The testimony showed that it was not possible to follow specific lots of milk that may be moved from the market to a plant in another regulated market for determining its classification. Allocation and accounting on a monthly basis (in contrast to shorter periods such as semi-monthly or weekly) have been supported by handlers as the most practicable method in this market and throughout the order program. It would be uneconomic and unreasonable to expect producers of milk for the North Texas market to carry the necessary daily reserves for other markets to which it may supply milk by providing for the classification under the order of a portion of such sales as Class II milk.

In order to recognize some of the effects of the monthly accounting procedure and handlers' need for a reasonable reserve supply of milk to meet day to day variations in receipts and sales, the allocation procedure of the North Texas order should be amended to provide that a quantity equivalent to the lesser of 5 percent of the receipts of producer milk in the pool plant or the amount of milk remaining in Class II milk, following the subtraction of shrinkage and unpriced other source milk, should be set aside before subtracting the receipts of other source milk that is subject to the Class I pricing provision of another order issued pursuant to the act.

(4) *Class prices*—(a) *Class I milk price*. A proposal to revise the Class I milk price differentials and the supply-demand adjustment provision of the order was not supported by proponents at the hearing and no other direct testimony relative to the Class I milk price was presented at the hearing.

The average of the prices paid to farmers at 15 "Midwestern Condenseries" is one of the alternatives used in establishing the basic formula price. Since operation has been discontinued at two of these plants located at Berlin and Chilton, Wisconsin, reference to them should be deleted from the order.

(b) *Class II milk price*. Except for the Class II butterfat differential, no

change should be made at this time in the Class II milk pricing provisions of the order.

Several proposals at the hearing related to the Class II milk price. The Class II milk price is determined currently on the basis of prices paid farmers for milk at three local manufacturing plants and a butter-nonfat solids formula. The Class II milk price during the months of April through June is the average of the prices paid farmers for their deliveries during such months at the three local manufacturing plants. During the months of July through March the Class II milk price is the average of the three local plant prices or the butter-nonfat solids formula price, whichever is higher. The price resulting from the Class II butter-nonfat solids formula was modified effective for the months of July 1954 through March 1955 to provide for a deduction of 16 cents from prices otherwise obtained therefrom.

A proposal was made to change the Class II price formula to include March as one of the months for which the price would be the average of local manufacturing plant prices and for the deduction of 16 cents from the butter-nonfat solids formula for the months of July through February. No testimony was presented by the proponents of this proposal. Another proposal would incorporate the temporary adjustment in the Class II milk pricing formula previously mentioned on a permanent basis.

A proposal by producers would continue to apply the average of the local manufacturing plant prices during the months of April through June. During all other months the average of the local manufacturing plant prices or the present butter-nonfat solids formula, whichever is higher, would be used. However, during August through November 34 cents would be added to the butter-nonfat solids formula and during the months of January through March, 16 cents would be subtracted from such formula.

Producers testified that the market value of Class II milk in the North Texas market shifted from season to season based on changing demands for those Class II products which have a higher use value. It was contended that during the short production season reserve supplies of milk can be used for ice cream or in the form of cream or condensed milk for ice cream, which uses are considered to be relatively high valued manufacturing uses. In the flush production season, however, when supplies of milk are more plentiful, it is necessary to process a larger portion of producer milk reserves into nonfat dry milk solids and cheese, which products are considered to be relatively low valued uses.

Although it may be desirable under a marketwide pool to provide greater refinement in the monthly level of the Class II milk price in order to assist in allocating available supplies of milk among handlers into the higher valued uses including, of course, Class I uses, the particular seasonal pricing plan proposed by producers is not warranted. The present butter-nonfat solids formula has in most years since the order has been effective resulted in somewhat

higher Class II prices during the fall and winter months than the prices paid by local manufacturing plants.

The Class II price is in effect a blend price for milk utilized in a number of manufacturing uses. It is not possible to predict with a degree of accuracy, as would be indicated by producers proposal, seasonal adjustments in the Class II price which would be necessary to reflect shifting demands for milk for use in the different Class II products. Furthermore, not all handlers have facilities for handling substantial volumes of Class II milk and not all of those plants which have manufacturing facilities are sufficiently diversified to shift from the production of one manufacturing product to another in response to demands for the various products.

The previous temporary pricing arrangement for Class II milk should not be continued. The relationship of producer receipts to the Class I milk requirements of the market has changed significantly since the spring of 1954. It then appeared that the market would experience extreme difficulty in marketing the entire seasonal reserve supplies of producer milk. Since that time, however, producer receipts and Class I requirements have become more closely balanced and readily available facilities for handling supplies of milk are no longer inadequate to market the entire output of producers.

The order now provides that the Class II butterfat differential shall be the Chicago 92-score butter price times 0.108 for the period April 1954 through June 1955 and times 0.115 after June 1955. Evidence contained in the record with respect to prices received by farmers for butterfat in milk for manufacturing above the basic test of 4 percent and the prices received by handlers for butterfat in the form of cream indicates that a butterfat differential of 0.110 times the Chicago 92-score butter price during the months of March, April, May and June and 0.115 during other months of the year will be more nearly representative of the market value for such butterfat under current conditions in this market.

(5) *Location differentials*. It was proposed that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. To the extent that milk is received from producers at some distance and brought to the marketing area by a handler, that handler assumes a transportation cost which otherwise would be borne by producers.

In order to effect the lower economic value of milk delivered to distant country receiving stations at a lesser price than is paid producers delivering directly to bottling plants should be established. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the North Texas order by providing that the Class I milk price shall be reduced for any plant located more than 110 miles from a central place in the primary center of consumption in



the marketing area by 1.5 cents per hundredweight of milk for each 10 miles or fraction thereof, that such plant is from such center of consumption.

Under the conditions which prevail in the North Texas marketing area, the application of a location differential to plants located at distances less than 110 miles from Dallas would disrupt the orderly marketing of milk. A number of plants regulated pursuant to the North Texas order, which are located in the northwest portion of the North Texas marketing area, make sales in the Central West Texas marketing area. The Central West Texas order Class I milk price is the same as that in the North Texas order for this general area and is correspondingly higher in the more western locations of the Central West Texas marketing area. To apply location differentials at such plants could result in adverse competitive relationships in the procurement of milk in this territory wherein the sales area of handlers under the two orders overlap.

It is expected that the location adjustment credit herein provided will generally approximate the cost of moving milk from a pool plant to the principal center of consumption in the market area. The principal centers of consumption in the North Texas market-area are the cities of Dallas and Fort Worth. The Dallas City Hall is an appropriate point from which to measure the distance to any pool plant for the purpose of computing the applicable location differential.

Testimony at the hearing indicated that a plant at Monett, Missouri is the only plant which will currently be affected by the location differential adjustment herein provided. The proposed rate of 1.5 cents for each 10 miles will result in essentially the same location adjustment as was proposed by the producer association operating the Monett plant.

At the time the order was originally issued and up to the present, all plants which have been regulated under the order were located within or near the marketing area. After considerable discussion on location adjustments at an earlier hearing, it was concluded that no location adjustments should be established on the basis of that record. The entrance of the Monett plant on the market, and the possibility that other supply plants similarly situated may from time to time become associated with the market, require that appropriate provisions be incorporated in the order for location adjustments.

The location differential adjustment herein provided is similar to differentials prescribed in other Federal milk marketing orders and is related to the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which it is delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving

the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the manner most advantageous to himself. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at the expense of producers under the marketwide pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the producer receipts to Class II milk at such plant. In case milk is transferred from more than one plant such assignment should be made to each plant in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

**6. Base-excess plan.** Changes should be made in the base-forming and base-operating periods and in the rules pertaining to the transfer of bases.

Under the present order, the base-forming period consists of the months of October through January. The base-operating period is the months of April through June. These periods were first incorporated in the order at the time of its issuance in 1951. Marketwide information on the seasonal relationship of receipts of producer milk and Class I utilization indicates that there has been a shift forward of about a month in the incidence of the summer peak and the winter low in production. Average daily receipts of producer milk during March of 1952 were less than in June. Since that time, however, receipts in March have exceeded that in June in each year. The base-operating period should be extended, therefore, to include the month of March.

Producers proposed that the base-operating period be extended to include also the months of January and February. Receipts of milk in relation to Class I utilization during these months of transition between the "short" and "long" production seasons are not relatively large. It is considered that the effectiveness of the base plan to encourage a pattern of milk production more in line with the Class I requirements of the market seasonally will not be materially strengthened by including these transition months in the base-operating period. Since the Class I price differential decreases 20 cents in March of each year, which decrease normally has a similar effect on the base price, it appears desirable to start the base-operating period with the month of March. Furthermore, from the viewpoint of flexibility and administrative efficacy, it is desirable to

have as short a base-operating period as is practical and yet maintain the effectiveness of the base plan.

Producers proposed that the base forming period be changed from the present four month period of October through January to a three month period of September through November.

A reduction in the number of months included in the base forming period would place a greater degree of rigidity in the base plan. A relative short base forming period would accentuate differences in bases among individual producers who may have similar production programs but which may result from accidental or unusual circumstances. As previously indicated, the seasonal low in production has moved forward about one month since the order was originally adopted and production in other months has shifted accordingly. It is appropriate, therefore, to advance the base forming period one month to include the month of September. In September, the ratio of the receipts of producers milk to Class I sales decreases substantially. This ratio in September is also substantially less than in January. The data on daily production of producer milk (after removing the effects of trend) indicates that August might be substituted for December in the base forming period but for other reasons this change is not recommended at this time. It is concluded, therefore, that the number of months that is included in the base forming period should not be reduced, but that January should be omitted and September included in this period.

Under the present base plan a producer may establish a full base on the basis of his deliveries of milk for no more than 90 days of the 123 days in the base forming period. Producers contended that the 33 "free days" under the present base forming rules contribute to irregular practices by some producers in establishing bases and the inflation of bases under certain circumstances. They suggested that the number of "free days" be reduced to ten.

In view of the fact that a producer may enter the North Texas market at any time during the months of July and August prior to the base-forming period, receive the same blend prices and establish a base on the same basis as all other producers, there is no particular need to provide "free days" in the base-forming period to accommodate new producers who may enter the market after the start of the base-forming period. It is beneficial to encourage new producers who may desire to enter the market to do so, in July and August or early in the base-forming period when their milk is most needed by the market. A provision for "free days" in the base forming period is primarily for the purpose of making it possible for a producer to establish a full base even though he may be off the market for a few days of the base-forming period because of degrading or for accidental reasons over which he has no control. Such a provision affords an opportunity for a producer who may be confronted with such circumstances and who attempts to produce milk in accordance with the needs of the market to realize the benefits of a full



base. In view of all of these considerations, it is concluded that each producer's base should be determined on the basis of the number of days for which his milk production is received at a pool plant(s) during the base-forming period but not less than 112 days. The increase from 90 to 112 in the minimum number of days to be applied in calculating bases will materially reduce the opportunity for some producers to inflate bases by irregular shipping arrangements with other producers or persons.

Under a provision for the transfer of bases, it is important to have the number of "free days" as small as is practical.

With the development of bulk tank pickup and the accompanying improvement in the methods of cooling and handling milk on the farm, more than one day's supply of milk may be held at the farm before delivery is made at a pool plant. Under this method of delivery, milk of producers may be shifted more freely among handlers. Therefore, the order language also should be changed to provide for the calculation of bases on the basis of the number of days for which milk is received from a producer at a pool plant(s) during the base-forming period.

The changes recommended above in the base-forming and base-operating periods should not become effective until September 1956. The order has been constructed so as to continue the present base-forming and base-operating periods until that date. This will give all producers notice of such changes sufficiently in advance of the effective date to make any adjustments they may desire in their production programs as a result of the proposed amendment.

Provision should be made for the transfer of entire bases. Under the present order, entire bases may be transferred only to members of the producer's immediate family in the event of death, retirement or entry into military service and in the case of jointly held bases, to one of the joint holders. A provision to permit the transfer of entire bases upon filing application with the market administrator will add a degree of flexibility and may be of benefit in maintaining dairy herds in the milkshed which otherwise would be disbursed upon discontinuance of milk production by a producer for any reason. By limiting such transfers to entire bases, the administrative problems in this market will not be unreasonably burdensome. Provision is made for the transfer of an entire base as of the beginning of the month next following receipt by the market administrator of appropriate application signed by the base holder and by the person to whom such base is transferred.

**7. Miscellaneous changes.** (a) Under the present order language, any handler who the Secretary determines disposed of a greater portion of his milk as Class I milk in the marketing area regulated by another Federal order is exempt from the provisions of the North Texas order except for reports as required by the market administrator. The order language would be improved by applying such a provision on an individual plant basis and eliminating the necessity of a

determination by the Secretary. Provision should be made, therefore, that a distributing plant which would otherwise be fully subject to the classification and pricing provisions of another order should be treated as a nonpool plant under the North Texas order unless a greater volume of Class I milk is disposed of from such plant in the North Texas marketing area than in the area regulated pursuant to such other order. Any supply plant which otherwise would be subject to the classification and pricing provisions of another Federal order would be considered as a nonpool plant unless such plant qualified as a pool plant pursuant to the North Texas order during each of the preceding months of September through December. In this manner, the determination of status of such plants will be on an individual plant basis. Since other orders in this general area have similar provisions or require a determination by the Secretary as to the order under which the plant will be subject to regulation, this change will provide that a supply plant will be regulated and pooled under the order for the market in which it is primarily associated during the previous short production season. The operators of plants which dispose of milk in the marketing area but are not pool plants, would be required to make reports to the market administrator to determine their status under the order.

(b) The order currently requires a handler who is subject to the pricing and payment provisions of another order to pay into the producer settlement fund with respect to milk disposed of as Class I milk in the North Texas marketing area, an amount equal to the difference between the value of such milk as determined pursuant to this order and its value determined pursuant to the order to which it is fully subject. Since no milk has been distributed on routes in the North Texas marketing area from other regulated areas that have lower Class I prices, no payments have been made under this provision.

It is not necessary to continue the requirement for such payments under the North Texas order. All regulated markets located to the west, south or east of the North Texas marketing area have Class I prices either equal to, or higher than, the Class I prices in the North Texas order. Ordinarily differences in Class I prices among markets after considering handling costs and the costs of moving the milk among marketing areas should be rectified by adjustments in the level of Class I prices.

The reasons which underlie the need for compensatory payments between regulated markets are different from those which apply with respect to milk moved to regulated markets from unregulated markets. The economic purpose behind payments on unregulated milk is to assure the effectiveness of the classified pricing and pooling system in the regulated market. Handlers regulated by other Federal orders are subject to almost identical reporting, accounting, classification, pricing, payment and auditing procedures as are handlers who are subject to the North Texas order. The price for Class I milk disposed of by

handlers subject to other Federal orders is the same whether or not such milk is disposed of inside or outside of their respective marketing areas. The North Texas market is assured, therefore, that distributors from these other regulated areas pay their producers at least the Class I prices specified by such other order for any milk disposed of on routes or through other distributing plants in the North Texas marketing area.

If Class I prices among regulated markets are at proper levels, there will be no economic advantage accruing to handlers located in other regulated marketing areas. This is one of the factors that must be considered in establishing the general level of Class I prices. If, on the other hand, a handler otherwise subject to another Federal order disposes of a greater proportion of his Class I sales in the North Texas marketing area, he should become fully subject to the North Texas order and the prices he would pay for milk would be the same as for all other North Texas handlers similarly situated. For these reasons, § 943.61 (b) of the order should be deleted.

(c) Provision should be made for the application of interest charges on overdue accounts and clarification of other administrative provisions of the order.

Unpaid obligations of the market administrator or any handler under the order should be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid. Such a provision is in accordance with good business practice and the rate is a reasonable charge for the use of money. Under the attached order provisions, interest would be applied to any unpaid obligations which are due on the effective date of this amendment on the first day of the month next following such effective date.

In order to facilitate the settlement of accounts, the section of the order providing for payments by the market administrator should provide that any amount due a handler from the producer settlement fund may be offset or reduced by the amount of any unpaid balances due the producer settlement fund or due the market administrator for marketing service or administration fund assessments.

In calculating the monthly uniform prices not less than 4 cents nor more than 5 cents per hundredweight of producer milk is retained in the producer settlement fund. This reserve is for the purpose of maintaining a fund to facilitate monthly the clearing of checks when payments are being made into and out of the producer settlement fund as well as to provide funds for prompt payment to handlers as a result of audit adjustment. During the base-operating periods, the present order provides for making deductions only on base milk. This is the time of the year that payments into and out of the producer settlement fund are usually at their highest levels. Experience has indicated that during this period sufficient funds may not be available for the market administrator to meet his obligations

as promptly as prescribed by the order. It is concluded therefore, that the reserve to be allocated to the producer settlement fund during the base-operating period should apply to both base and excess milk. The reserve in the producer settlement fund is of the nature of a revolving fund in that any reserve remaining at the end of one month is added back into the pool computations in the following month.

In view of the fact that the foregoing revisions recommended in this decision are numerous and require conforming changes in nearly every section of the order and because a number of other amendments have been incorporated in the order since it was first promulgated, the order in its entirety has been re-drafted to incorporate such changes.

#### GENERAL FINDINGS

(a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

#### DETERMINATION OF REPRESENTATIVE PERIOD

The month of July 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the North Texas marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

#### MARKETING AGREEMENT AND ORDER, AS AMENDED

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the fore-

going conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 13th day of September 1955.

[SEAL]

EARL L. BUTZ,  
Acting Secretary.

#### Order<sup>1</sup> Amending the Order as Amended, Regulating the Handling of Milk in the North Texas Marketing Area

§ 943.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which effect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

#### DEFINITIONS

§ 943.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 943.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 943.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 *North Texas marketing area.* "North Texas marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 943.8 *Distributing plant.* "A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 943.9 *Supply plant.* "Supply plant" means any plant approved by and under

the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to paragraph (a) or (b) of this section during each of the immediately preceding months of September through December, except for 1956 the months of October through December 1955 shall be used: *Provided*, That to remain a supply plant during the month of August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 943.10 *Pool plant*. "Pool plant" means (a) a distributing plant, (b) a supply plant or (c) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plants of other handlers or transferred by such association to the pool plant(s) of other handlers, or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September, October, November and December, except for 1956 the months of October through December shall be used.

§ 943.11 *Nonpool plant*. "Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 943.10.

§ 943.12 *Handler*. "Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association; or

Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such

cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of §§ 943.41 (b) (5) 943.42, 943.46 (a) (4) and the proviso in §§ 943.53 and 943.97.

§ 943.13 *Producer*. "Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided*, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than 15 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 943.14 *Producer milk*. "Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 943.13.

§ 943.15 *Fluid milk products*. "Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 943.41 (a) (1) and (2)

§ 943.16 *Other source milk*. "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 943.17 *Producer-handler*. "Producer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers.

§ 943.18 *Base milk*. "Base milk" means producer milk received by a handler during any of the months of April through June of 1956 and March through June of each year thereafter which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such

month for which such producer delivered milk.

§ 943.19 *Excess milk*. "Excess milk" means milk received by a handler during any of the months of April through June of 1956 and March through June thereafter which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

§ 943.20 *Reserve supply credit*. The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

#### MARKET ADMINISTRATOR

§ 943.25 *Designation*. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.26 *Powers*. The market administrator shall have the following powers with respect to this subpart:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 943.27 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the

bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a) both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b) both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a)

#### REPORTS, RECORDS AND FACILITIES

§ 943.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler,

except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products on routes wholly outside the marketing area, and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 943.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 943.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 943.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 943.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 3c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

§ 943.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk, drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such

handler from dairy farmers during the month;

(4) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(5) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May and June) of skim milk and butterfat in receipts from producers;

(6) In shrinkage of other source milk; and

(7) In inventory at the end of the month of fluid milk products.

§ 943.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between skim milk and butterfat in receipts from producers and in other source milk.

§ 943.43 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 943.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, including transfers made by a cooperative association pursuant to § 943.12 (c) shall be classified:

(a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:

(1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 943.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: *Provided*, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the Counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas; Carter, Comanche, Grady,

Muskogee and Cleveland Counties in the State of Oklahoma; Benton, Scott, Franklin, and Sebastian in the State of Arkansas;

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside of the marketing area or inside of any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the packaged fluid milk products received at such plant the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 943.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 943.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 943.41 (b) (5),

(2) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(8) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 943.44 (a),



(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

#### MINIMUM PRICES

§ 943.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

#### Present Operator and Location

Borden Co., Mount Pleasant, Mich.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Hudson, Mich.  
Pet Milk Co., Wayland, Mich.  
Pet Milk Co., Coopersville, Mich.  
Borden Co., Orfordville, Wis.  
Borden Co., New London, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Oconomowoc, Wis.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Belleville, Wis.  
White House Milk Company, Manitowoc, Wis.  
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to

be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

#### Present Operator and Location

Carnation Co., Sulphur Springs, Tex.  
The Borden Co., Mount Pleasant, Tex.  
Lamar Creamery, Paris, Tex.

§ 943.51 *Class prices.* Subject to the provisions of § 943.52 and § 943.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus \$2.00 for the months of March through June and plus \$2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) For each month calculate a utilization percentage (to the nearest whole percentage) by dividing the total pounds of milk received from all producers at pool plants during the second and third preceding months by the total pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) disposed of from such plants during the same 2-month period; and

(2) For each percentage that the utilization percentage is less than the minimum percentage listed below for the applicable 2-month period the Class I price shall be increased 3 cents, and for each percentage that the utilization percentage is more than the maximum percentage listed below for such 2-month period the Class I price shall be decreased 3 cents:

#### PERCENTAGES

2-month period	Minimum	Maximum	Month to which adjustment applies
January-February	123	125	April
February-March	122	124	May
March-April	121	123	June
April-May	120	122	July
May-June	119	121	August
June-July	118	120	September
July-August	117	119	October
August-September	116	118	November
September-October	115	117	December
October-November	114	116	January
November-December	113	115	February
December-January	112	114	March

(b) *Class II milk.* For each of the months of April, May and June, the price computed pursuant to § 943.50 (c) and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c) rounded in each case to the nearest one-tenth cent.

§ 943.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an

amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 943.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk: products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 943.50 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: *Provided*, That for purpose of calculating such location differential, fluid milk: products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46 (a) (1) through (7) and the corresponding steps in § 943.46 (b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

#### APPLICATION OF PROVISIONS

§ 943.60 *Producer-handlers.* Sections 943.40 through 943.46, 943.50 through 943.53, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool milk plant during the month except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 943.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant pursuant to § 943.9 for each of the preceding months of September through December.

§ 943.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (10) by the applicable class price(s) and

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 943.46 (a) (8) and the corresponding step of (b) for the preceding month or by the hundredweight of skim milk or butterfat subtracted from Class I milk pursuant to § 943.46 (a) (7) and the corresponding step of (b) for the current month, whichever is less respectively.

§ 943.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to §§ 943.90 and § 943.93 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94,

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 (a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 943.91 (b)

§ 943.72 *Computation of uniform price.* For each of the months of July through February, and for March of 1956, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June 1956, and March through June, thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71,

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

#### DETERMINATION OF BASE

§ 943.80 *Computation of daily average base for each producer.* For the months of April through June of 1956 and March through June of each year thereafter the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81,

(a) Divide the total pounds of producer milk received from such producer at a pool plant(s) during the immediately preceding base-forming period of October 1955 through January 1956 and September through December, thereafter, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 90 through January 1956 and by 112 thereafter, whichever is more.

§ 943.81 *Base rules.* (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to

pool plants during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

§ 943.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91 (a) and the location differential computed pursuant to § 943.91 (b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 943.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 943.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 943.91 *Butterfat and location differentials to producers.* (a) In making payments pursuant to § 943.90 (a) or (c) there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	Butterfat differential (cents)
20.0-29.99 cents.....	3
30.0-39.99 cents.....	4
40.0-49.99 cents.....	5
50.0-59.99 cents.....	6
60.0-69.99 cents.....	7
70.0-79.99 cents.....	8
80.0-89.99 cents.....	9
90.0-99.99 cents.....	10
\$1.00-\$1.10.....	11

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform prices to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas City Hall.

§ 943.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 943.93, and out of which he shall make all payments to handlers pursuant to § 943.94.

§ 943.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph,

the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further* That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 943.93, 943.95, 943.96 or 943.97.

§ 943.95 *Adjustment of accounts—(a) Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 943.90, 943.93, 943.94, 943.96, 943.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 943.96 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after

the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 943.43 and (b) milk from producers (including such handler's own production).

§ 943.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar

month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

**EFFECTIVE TIME, SUSPENSION OR TERMINATION**

§ 943.100 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the

market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

**MISCELLANEOUS PROVISIONS**

§ 943.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 55-7519; Filed, Sept. 15, 1955; 8:51 a. m.]

**FEDERAL COMMUNICATIONS COMMISSION**

**[ 47 CFR Part 2 ]**

[Docket 10490; FCC 55-930]

**FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS**

**TABLE OF FREQUENCY ALLOCATIONS**

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the band 2172-2192 kc and the addition of that band to footnote 2 pertaining to § 2.104 (a) (3) (i) and (iii)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of September 1955;

The Commission having under consideration its Notice of Proposed Rule Making in the above entitled matter and

It appearing, that the proposal with respect to the band 2172-2192 kc was also included in the rule making proceedings in Docket No. 11226 which has been finalized; and

It further appearing, that the above entitled proceeding is therefore moot;

It is ordered, That, effective immediately, the proceedings in Docket No. 10490 are hereby terminated.

Released: September 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-7526; Filed, Sept. 15, 1955; 8:52 a. m.]

**NOTICES**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

[Shenandoah National Park Order 1]

**ADMINISTRATIVE OFFICER**

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

AUGUST 26, 1955.

**SECTION 1. Administrative Officer.** The Administrative Officer may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

**Sec. 2. Appeals.** Any party aggrieved by any action or decision of the Administrative Officer shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Administrative Officer.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

[SEAL] GUY D. EDWARDS,  
Superintendent,  
Shenandoah National Park.

[F. R. Doc. 55-7495; Filed, Sept. 15, 1955; 8:46 a. m.]

[Rocky Mountain National Park Order 1]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

AUGUST 16, 1955.

**SECTION 1. Contracts.** The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of \$25,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any office or area under

the supervision of the Superintendent of Rocky Mountain National Park.

**Sec. 2. Special use permits.** The Assistant Superintendent and Administrative Officer may issue revocable special use permits having a term of one year or less.

**Sec. 3. Appeals.** Any party aggrieved by any action or decision of the Assistant Superintendent or Administrative Officer, shall have a right to appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of action taken or decision made by the Assistant Superintendent or Administrative Officer.

(National Park Service Order No. 14 (10 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Two Order No. 2 (10 F. R. 8825))

[SEAL] JAMES V. LLOYD,  
Superintendent,  
Rocky Mountain National Park.

[F. R. Doc. 55-7496; Filed, Sept. 15, 1955; 8:46 a. m.]

[Southwestern National Monuments Order 1]  
 ASSISTANT GENERAL SUPERINTENDENT AND  
 ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND  
 APPROVE CERTAIN CONTRACTS

AUGUST 15, 1955.

**SECTION 1. Assistant General Superintendent.** The Assistant General Superintendent may execute and approve contracts not in excess of \$50,000 for construction, supplies, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

**SEC. 2. Administrative Officer.** The Administrative Officer may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

**SEC. 3. Appeals.** Any party aggrieved by any action or decision of the Assistant General Superintendent or Administrative Officer shall have the right to appeal to the General Superintendent of Southwestern National Monuments. Any such appeal shall be in writing and shall be submitted to the General Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant General Superintendent or Administrative Officer.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Three Order No. 2 (19 F. R. 8825)).

[SEAL] JOHN M. DAVIS,  
*General Superintendent,*  
*Southwestern National Monuments.*

[F. R. Doc. 55-7497; Filed, Sept. 15, 1955;  
 8:46 a. m.]

[Sequoia and Kings Canyon National Parks  
 Order 1]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE  
 OFFICER AND PURCHASING AGENT

DELEGATION OF AUTHORITY TO EXECUTE  
 AND APPROVE CERTAIN CONTRACTS

AUGUST 15, 1955.

**SECTION 1. Assistant Superintendent and Administrative Officer.** The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of \$50,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any coordinated area.

**SEC. 2. Purchasing Agent.** The Purchasing Agent may execute and approve contracts not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Purchasing Agent in behalf of any coordinated area.

**SEC. 3. Appeals.** Any party aggrieved by any action or decision of the Assistant Superintendent, Administrative Officer, or Purchasing Agent shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant Superintendent, Administrative Officer or Purchasing Agent.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Four Order No. 2 (19 F. R. 8824))

Issued this 15th day of August 1955.

[SEAL] E. T. SCOYEN,  
*Superintendent, Sequoia and  
 Kings Canyon National Parks.*

[F. R. Doc. 55-7498; Filed, Sept. 15, 1955;  
 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### POCATELLO LIVESTOCK AUCTION, INC.

##### POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Pocatello Livestock Auction, Inc., Pocatello, Idaho, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 12th day of September 1955.

[SEAL] H. E. REED,  
*Director Livestock Division,*  
*Agricultural Marketing Service.*

[F. R. Doc. 55-7510; Filed, Sept. 15, 1955;  
 8:49 a. m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### CALIFORNIA PORTS/FAR EAST

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 29, CONCLUSIONS AND DETERMINATIONS; EXTENSION OF TIME FOR SUBMISSION OF COMMENTS AND VIEWS

Notice of conclusions and determinations of the Maritime Administrator regarding the essentiality of Trade Route

No. 29 was published in the FEDERAL REGISTER of August 30, 1955 (20 F. R. 6361). The time for the submission of comments and views prescribed thereon is hereby extended to September 29, 1955.

Dated: September 14, 1955.

By Order of the Deputy Maritime Administrator.

THOS. E. STAKELI, JR.,  
*Acting Secretary.*

[F. R. Doc. 55-7593; Filed, Sept. 14, 1955;  
 4:56 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11333; FCC 55M-773]

MID-TOWN TOWING SERVICE, INC.

### ORDER CONTINUING HEARING

In the matter of Mid-Town Towing Service, Inc., Bronx, New York, order to show cause why the license for Automobile Emergency Radio Station KED 954 should not be revoked.

The Hearing Examiner having under consideration a motion, filed by counsel for the Safety & Special Radio Services Bureau on September 8, 1955, for continuance without date of the hearing now scheduled for September 12, 1955; on the ground that:

This Bureau has filed a motion with the Commission this date requesting that the sanction specified in the Order to Show Cause be invoked under the provisions of Section 1.402 of the rules. It is doubtful that this motion will be acted upon prior to the presently scheduled hearing date.

It is ordered, This 9th day of September 1955, that the motion is granted and that the hearing now scheduled for September 12, 1955, is continued without date.

FEDERAL COMMUNICATIONS  
 COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F. R. Doc. 55-7527; Filed, Sept. 15, 1955;  
 8:53 a. m.]

[Docket No. 11334; FCC 55M-782]

IREDELL BROADCASTING CO. (WDBM)

### ORDER SCHEDULING HEARING

In re application of Walter A. Duke, d/b as Iredell Broadcasting Company (WDBM), Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

It is ordered, This 12th day of September 1955, that H. Gifford Iron will preside at the hearing in the above-entitled proceeding, which is hereby scheduled to commence at 10:00 a. m., Tuesday, November 1, 1955.

FEDERAL COMMUNICATIONS  
 COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F. R. Doc. 55-7523; Filed, Sept. 15, 1955;  
 8:53 a. m.]



[Docket No. 11431; FCC 55M-772]

SOUTHWESTERN BELL TELEPHONE CO.

## ORDER CONTINUING HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11431, File No. P-C-3600 for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Bloomsdale Local Telephone Company Bloomsdale, Missouri.

*It is ordered*, This 8th day of September 1955, that the hearing in the above-entitled matter now scheduled for 10:00 a. m., September 23, 1955, be continued to 2:00 p. m., October 11, 1955, in Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 55-7530; Filed, Sept. 15, 1955;  
8:53 a. m.]

It appearing further that the nature of said pleadings is such that they should be disposed of by the Commission prior to commencement of the hearing in the above-entitled matter and that public interest would be served thereby that public interest and the dispatch of the Commission's business imperatively require immediate consideration of said motion;

*Therefore, it is ordered*, This 9th day of September 1955, that the petition of the Broadcast Bureau of the Commission for continuance is granted and the hearing in the above-entitled proceeding now scheduled to commence September 14, 1955, is continued without date until further order.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 55-7529; Filed, Sept. 15, 1955;  
8:53 a. m.]

[Docket Nos. 11455, etc., FCC 55M-776]

ROBERT E. BOLLINGER ET AL.

ORDER SCHEDULING PREHEARING  
CONFERENCE

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Co., Inc. (KLIQ) Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BR-2266; Albert L. Capstaff & H. Quenton Cox, a partnership, d/b as Capstaff Broadcasting Co., Oregon, Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, September 22, 1955, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of section 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered*, This the 8th day of September 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 55-7531; Filed, Sept. 15, 1955;  
8:53 a. m.]

[Docket No. 11463; FCC 55M-784]

PACIFIC TELEPHONE AND TELEGRAPH CO.

## ORDER CONTINUING HEARING

In the matter of the application of The Pacific Telephone and Telegraph Company Docket No. 11463, File No. P-C-3617 for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Joseph B. Hobbs and Mearlia M. Hobbs, d/b as Curtis

Telephone Company, Curtis, Washington.

The Hearing Examiner having under consideration a motion filed September 2, 1955, by the Common Carrier Bureau, requesting that the hearing in the above-entitled proceeding, presently scheduled to commence September 23, 1955, be continued to September 29, 1955, at 2:00 p. m.,

It appearing, that no opposition has been filed to such motion and good cause has been shown for the grant thereof;

*It is ordered*, This 12th day of September 1955, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to September 29, 1955, at 2 o'clock p. m., in Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 55-7532; Filed, Sept. 15, 1955;  
8:54 a. m.]

[Docket No. 11478]

PLASTIC HEAT SEALING CO.

## ORDER CORRECTING HEARING DATE

In the matter of Cease and Desist Order to be directed to M. Robert Saslaw and Elias J. Bramley, t/as Plastic Heat Sealing Company, 4 Winnikee Avenue, Poughkeepsie, New York.

The Commission's order in the above-entitled matter, as published in the FEDERAL REGISTER of August 27, 1955, at page 6305, is corrected to specify September 27, 1955, as the date of hearing, in lieu of September 29, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 55-7533; Filed, Sept. 15, 1955;  
8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. E-6191, E-6295, IT-5901]

CENTRAL POWER AND LIGHT CO. ET AL.

NOTICE OF ORDERS AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

SEPTEMBER 12, 1955.

In the matters of Luz Y Fuerza de Reynosa, S. A., Central Power and Light Company; Luz Y Fuerza de Reynosa, S. A., Central Power and Light Company; Jose Barrera Gonzalez and Central Power and Light Company.

Notice is hereby given that on September 1, 1955, the Federal Power Commission issued its orders adopted August 31, 1955, authorizing transmission of electric energy from the United States to Mexico, and superseding previous authorization in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 55-7503; Filed, Sept. 15, 1955;  
8:48 a. m.]

[Docket Nos. E-6636, E-6637]

MONTANA-DAKOTA UTILITIES CO. AND  
NORTHERN STATES POWER CO.NOTICE OF ORDERS AUTHORIZING ISSUANCE  
OF SECURITIES

SEPTEMBER 12, 1955.

Notice is hereby given that on September 1, 1955, the Federal Power Commission issued its orders adopted August 31, 1955, authorizing issuance of securities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 55-7504; Filed, Sept. 15, 1955;  
8:48 a. m.]

[Docket No. G-9035]

TRANSCONTINENTAL GAS PIPE LINE CORP.

## NOTICE OF FINAL DECISION

SEPTEMBER 8, 1955.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties August 9, 1955. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on September 8, 1955, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 55-7505; Filed, Sept. 15, 1955;  
8:48 a. m.]

[Docket Nos. G-4932 etc.]

MID STATES OIL CORP. ET AL

ORDER FIXING DATE OF HEARING ON APPLI-  
CATIONS FOR INCREASED RATES AND POST-  
PONING DATE FOR RESUMPTION OF  
HEARINGS

In the matters of Mid States Oil Corporation, Docket No. G-4932; Seneca Development Company, Docket No. G-8616; Hassie Hunt Trust, Docket No. G-8618; Hunt Oil Company, Docket No. G-8619; H. L. Hunt, Docket No. G-8620; Nebo Oil Company, Docket No. G-8621; G. H. Vaughn, Docket No. G-8902; Sun-ray Oil Corporation, Docket No. G-8960; Cotton Valley Operators Committee, Docket No. G-9036.

By order issued on July 14, 1955, the foregoing designated proceedings were set for hearing on July 29, 1955. At the commencement of the hearings, the Presiding Examiner, in accordance with the order setting the cases for hearing, ruled that the proceedings would be limited to the issue of whether or not Cotton Valley Operators Committee should file a rate schedule applicable to the sale of gas made from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana-Nevada Transit Company, and, if so, whether other rate schedules, tendered by non-signatory parties to the sales contract, now on file with the Commission should be deemed unnecessary to

the same sale transaction and removed from the Commission's files. The hearing in these proceedings convened and recessed on July 29, 1955, and is scheduled to reconvene on September 26, 1955.

Since the date of the recess of these proceedings on July 29, 1955, and upon the expiration of the suspension periods applicable to Notices of Changes and applications to increase rates in rate schedules filed by certain non-signatory parties, including Seneca Development Company, Hassie Hunt Trust, Hunt Oil Company, and H. L. Hunt, to the sales contract between Cotton Valley Operators Committee and Louisiana-Nevada Transit Company, motions have been filed by such Applicants for rate increases to place such rate schedules into effect under bond or undertaking pending hearing on the lawfulness and reasonableness of such proposed rate changes.

## The Commission finds:

(1) It is necessary and desirable in the public interest and in accordance with the orders of suspension issued in the foregoing entitled proceedings to enter upon a hearing concerning the reasonableness and lawfulness of all of the notices of changes and applications for proposed rate increases filed by all of the foregoing designated Applicants, excluding Cotton Valley Operators Committee, in the foregoing designated proceedings.

(2) Further time should be granted to Applicants to prepare evidence concerning the issues involved in these proceedings.

## The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Commission by the Natural Gas Act, including particularly Sections 4, 14, 15, and 16, the public hearing in these consolidated proceedings shall include, among other matters, the hearing of all notices of changes and applications in these consolidated proceedings concerning the lawfulness and the reasonableness of the proposed changes by way of increases in rates and charges filed by the foregoing designated Applicants, excluding Cotton Valley Operators Committee.

(B) Each of the foregoing designated Applicants shall submit to the Commission, at least 5 days prior to the commencement of the hearing in these proceedings as herein provided, 5 copies of maps verified by a responsible officer of Applicants, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Louisiana-Nevada Transit Company.

(ii) Major pipe line facilities by which the gas is transported from each well to the points of delivery to Louisiana-Nevada Transit Company; and,

(iii) Important pipe line facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipe line facilities specified in (i) and (ii) above.

(C) The public hearing in these consolidated proceedings scheduled to con-

vane on September 26, 1955, be and the same is hereby postponed to reconvene as hereinafter ordered and the public hearing in these consolidated proceedings shall convene on November 23, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(D) At the hearing, the Applicants shall go forward first and shall present their complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(E) Following the presentation of Applicants' case and such cross-examination as is provided in paragraph (D) other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(F) Upon completion of the proceedings as provided in paragraphs (D) and (E) upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(G) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (16 CFR 1.8 and 1.37 (f)).

Adopted: September 8, 1955.

Issued: September 12, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 55-7506; Filed, Sept. 15, 1955;  
8:43 a. m.]

[Docket Nos. G-8518, G-8519]

ASSOCIATED OIL &amp; GAS CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS  
AND FIXING DATE OF HEARING

By Notice of Hearing issued on June 30, 1955, the proceedings in the Matter of Associated Oil & Gas Company (Associated), Docket No. G-8519, was set for hearing on September 14, 1955. By Notice of Hearing issued on June 30, 1955, the proceedings in the Matter of Orange Grove Oil & Gas Corporation and H. J. Mosser (Orange Grove) Docket No. G-8518, was set for hearing on September 19, 1955.

On September 2, 1955, Associated and Orange Grove transmitted a telegraphic request to the Commission for a consolidation of the proceedings in the foregoing designated Docket Nos. G-8518 and G-8519 upon the ground that the operations of these two Applicants for increases in rates are substantially identical, that the facts for both proceedings will be similar and a single presentation will result in substantial economies of time and expense.

The Commission finds: Good cause exists for consolidating the proceedings in Docket Nos. G-8518 and G-8519.

The Commission orders:

(A) The proceedings in Docket Nos. G-8518 and G-8519 be and they hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15, and 16, and in conformity with previously issued Notices of Hearing, a public hearing be held in these consolidated proceedings commencing on September 19, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 8, 1955.

Issued: September 12, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-7507; Filed, Sept. 15, 1955;  
8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. ET AL.

ORDER AMENDING SUPPLEMENTAL ORDER  
MODIFYING PRIOR ORDER WITH RESPECT  
TO FEES AND EXPENSES

SEPTEMBER 12, 1955.

The Commission having, on April 8, 1952, issued its Memorandum Findings and Opinion and Order approving in part and denying in part the payment by Northern States Power Company, a Delaware Corporation ("Delaware") or by its successor corporation Northern States Power Company, a Minnesota Corporation ("Minnesota") of claims for services and for reimbursement of expenses rendered or incurred in connection with a Plan of reorganization ("Plan") of Delaware filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, including claims by A. Louis Flynn, counsel for Delaware and of Fowler, Youngquist, Furber, Taney & Johnson, counsel for Minnesota; and

The Commission having filed in the United States District Court for the District of Minnesota, Fourth Division, a supplemental application to enforce and carry out the Plan and its Memorandum Findings and Opinion and Order of April 8, 1952; and said District Court by its Opinion of January 12, 1953, and its Order of March 3, 1953, having increased the amounts payable to A. Louis Flynn

and Fowler, Youngquist, Furber, Taney & Johnson, among others, so as to allow to A. Louis Flynn the sum of \$147,380 for fees and \$9,946.95 for expenses and to Fowler, Youngquist, Furber, Taney & Johnson \$56,800 for fees and \$2,815.97 for expenses for services rendered and expenses incurred to and including July 15, 1952, and, in each case, for services rendered and to be rendered in the proceedings subsequent to that date fees at the same hourly rate as for services thereto rendered by them (\$23.80 per hour in the case of A. Louis Flynn and \$27 per hour in the case of Fowler, Youngquist, Furber, Taney & Johnson), together with reasonable expenses incurred; and having remanded the matter to the Commission for the purpose of modifying the Plan and the Commission's Memorandum Findings and Opinion and Order of April 8, 1952, in accordance with the District Court's Order; and

The Commission having taken an appeal to the United States Court of Appeals for the Eighth Circuit and said Court of Appeals having affirmed the District Court's Order and the Commission having on July 28, 1954 entered a supplemental order purporting to amend said Plan and said Memorandum Findings and Opinion and Order of April 8, 1952, in compliance with the mandates of the reviewing courts, which order, however, omitted to make provisions for the payment of fees and expenses rendered and incurred subsequent to July 15, 1952; and

A. Louis Flynn and Fowler, Youngquist, Furber, Taney & Johnson having now filed supplemental applications stating that from July 15, 1952, to and including June 30, 1955, A. Louis Flynn has rendered services to the extent of 303½ hours of recorded time which at the rate of \$23.80 per hour would amount to \$7,223.30 and has incurred expenses amounting to \$550.71 and that Fowler, Youngquist, Furber, Taney & Johnson have rendered services to the extent of 200 hours of recorded time, which at the rate of \$27 per hour represents a fee of \$5,400 and have incurred expenses in the amount of \$200.17 and

A. Louis Flynn having estimated that the total number of hours expended and to be expended after June 30, 1955, in the performing of such services will be 110, which at the hourly rate of \$23.80 would amount to \$2,618 and having estimated that the expenditures made and to be made by him after June 30, 1955, will amount to \$480 and Fowler, Youngquist, Furber, Taney & Johnson having estimated that services rendered or to be rendered after June 30, 1955, will represent between 100 and 150 hours which, assuming the latter figure, at the hourly rate of \$27 would amount to not in excess of \$4,050 and that expenses to be incurred will approximate \$450; and

Both applicants having requested that the Commission's Order of July 28, 1954,

and its Memorandum findings and Opinion and Order of April 8, 1952, be amended to permit such additional payments:

*It is ordered*, That Delaware and Minnesota be and they hereby are authorized and directed to pay, to the extent not already paid, in full settlement for claims for compensation for services and for reimbursement of expenses rendered or incurred from July 15, 1952, to and including June 30, 1955, additional amounts as follows:

To A. Louis Flynn \$7,223.30 for fees and \$550.71 for expenses;

To Fowler, Youngquist, Furber, Taney & Johnson the sum of \$5,400 for fees and \$200.17 for expenses;

*It is further ordered*, That Delaware and Minnesota be and they hereby are authorized and directed to pay for services rendered and expenses incurred subsequent to June 30, 1955, as such services are rendered and expenses incurred, amounts as follows:

To A. Louis Flynn not to exceed \$2,618 for fees and \$480 for expenses, and

To Fowler, Youngquist, Furber, Taney & Johnson not to exceed \$4,050 for fees and \$450 for expenses, with leave to the applicants, or either of them, to file supplemental applications for additional compensation for services or reimbursement for expenses if their claims exceed the amounts last above given.

*It is further ordered*, That the Commission's Order of July 28, 1954, and its Memorandum, Findings, Opinion, and Order of April 8, 1952, be amended accordingly.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 55-7500; Filed, Sept. 15, 1955;  
8:47 a. m.]

## UNITED STATES INFORMATION AGENCY

[Delegation of Authority No. 21A]

[Public Notice Number 5]

CHIEF ADMINISTRATIVE SERVICES DIVISION

DELEGATION OF AUTHORITY RELATIVE TO  
DOMESTIC TORT CLAIMS

Pursuant to Section 2672 of Title 28 of the United States Code, I hereby delegate to the Chief, Administrative Services Division authority to consider, ascertain, adjust, determine and settle any domestic tort claim for money damages of \$1,000 or less in accordance with laws relating thereto and as provided in appropriate administrative instructions. This authority may not be redelegated to subordinate officials.

Issued: September 9, 1955.

THEODORE C. STREIBERT,  
Director

[F. R. Doc. 55-7502; Filed, Sept. 15, 1955;  
8:47 a. m.]